



## **DM's observations on the reply from the Danish Minister for Science, Technology and Innovation to the DM Submission to UNESCO of 22<sup>nd</sup> May 2008.**

**In our allegation of 22<sup>nd</sup> May DM argued that aspects of the 2003 Danish University Law are at variance with the standards set out in the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel from 1997.**

### **1. Introduction**

First of all we are pleased to note that our complaint even before it has been formally treated by CEART has had positive effects in Denmark. The Danish Minister has been made aware of the Recommendation, and in interviews with the press, he has declared that it is essential for him that Denmark lives up to the standards set by UNESCO. This has not previously been the case, as succeeding Danish governments have referred to OECD recommendations rather than UNESCO standards and guidelines as relevant to an industrialised western nation such as Denmark. We see the Minister's declarations in connection with mention of the DM allegation as a positive sign that the Danish Government will be taking UNESCO recommendations more seriously than before. It should be noted, however, that so far this change of attitude on the Government's part has not led to any promise from the Minister of amending the law, although this would be the only logical consequence of his declared intentions of living up to the UNESCO Recommendation.

With this letter we attach the translation of the current law from 2007. The version of the law that was appended to the original allegation did not include the changes that were passed by parliament in 2007. These changes, however, do not alter the essence of the law, and therefore they have no bearing on the content of the DM complaint.

In his letter Mr. Sander alleges that the DM complaint is evidence that DM is opposed to current Danish university policy in general. This is by no means the case. DM has fully supported the Minister's efforts to allocate more financial resources to the universities, and acknowledges the Minister's success in this. DM sees this year's increasing allocations to the universities as a positive development.

Therefore, the DM complaint should not be seen as evidence of general dissatisfaction, but rather as an expression of our concern that the micromanagement and detailed government regulation that Danish universities are subjected to will undermine the quality and future development of Danish research and education. Our complaint aims to demonstrate to the Minister and the Danish Parliament the risks inherent in the lack of protection for the individual academic's freedom of research in the current law. The space for academics to exercise their freedom of research in the current law is potentially limited to work done outside work hours because of the unrestricted right of the head of department to define the tasks of academics; see the University Act §17.2

In his reply the Minister is less than candid about essential aspects of the law. In his mention of the Academic Council and other collegiate bodies he chooses not to mention the crucial lack of proper decision making powers. These bodies are primarily advisory and cannot make decisions of importance to the university's general activities and overall management; see the University Act § 15,2, where it is stated that the Academic Council is an advisory body only, except for the authority to confer university degrees.



Likewise, the Minister neglects to mention that the law states that university boards must have a majority of external members. Academic staff will therefore always be in a minority. In fact, there might be as few as just one person representing the academic staff, see the University Act § 12. It is obvious that this is far from the great influence that the Minister mentions in his letter.

The Minister makes the observation that he finds it surprising that DM did not lodge a complaint with UNESCO at the very start when the law was enacted in 2003. There are two reasons for this: For one thing, the Minister and the parties behind the law have continuously maintained that freedom of research is secured in the law. DM therefore decided that we would wait and see what the consequences of the law turned out to be, before we could proceed to formulating a complaint with any substantiation. After all, the Minister might be right in his assertions, and thus, happily there would be no basis for a complaint. The other reason is that whenever DM has drawn attention to the 1997 UNESCO Recommendation and our assessment of the 2003 Danish law as falling short of the standards set out in that normative document, we have – as mentioned above – been told by the Ministry that UNESCO is not relevant to Danish conditions. Fortunately, this seems to have changed after the Minister was questioned about the DM allegation in the press.

## **2. Detailed comments on the Minister's reply**

In more detail below DM will substantiate our claim that the Minister's reply is not in accordance with the reality faced by academics at Danish universities. Therefore, the reply from the Minister does not give us any reason to revise, let alone withdraw our original complaint.

- **Firstly**, it is of no relevance to our complaint that the Minister mentions that only 12% of researchers say that they have been given specific research tasks in a survey initiated by DM and published in 2006. The Minister neglects to mention that the questions covered the years 2003-2005, i.e. before the current law had been fully implemented. Furthermore, the 12% are irrelevant to the DM main point. The lack of protection of research freedom means that there is no need for the Department Head to actually order the researchers to conduct specific research tasks. He or she can simply prevent the researcher from doing research which is deemed undesirable by the management by blocking applications to research councils or by requesting that drafts of research articles are submitted for approval before they are sent to publishers, scientific journals etc. On this point, DM would like to draw attention to the White Paper "Quality and Governance at the Universities of the Future" from January 2009, in which the Royal Academy of Sciences and Letters points out the risks to freedom of research in the 2003 law and the need to maintain a culture of originality, persistence and autonomy among Danish academics. On page 12 of that publication, the Royal Academy writes, i.a.: "*There is every reason to secure a culture where Danish researchers can see themselves as*



*relatively sovereign, creative personalities who autonomously can and must define their own way forward. This presupposes organisations which maintain the researcher's experience of his or her own research as being at the centre of his daily work"*

- **Secondly**, in his reply the Minister writes that the board among its members will have representatives elected by the academic staff. He further observes that this is the most direct influence an employee can have, if there is to be any scope for management to exert their leadership at all. But the minister neglects to mention that there must be a majority of externally appointed board members. Members representing academics, other staff and students will always be in a minority. Obviously, this limits the possibilities for researchers to have their priorities significantly influence board decisions.
- **Thirdly**, it is more than doubtful whether such a hierarchical management structure as the one laid down in the 2003 law is suited to support the basic goals and functions of a university. Universities are not private enterprises whose main function is to generate profits within a relatively short time span. Universities are not government departments either, where strict loyalty to parliamentary decisions is secured through a rigid hierarchy of decision making. Universities are different. Their function is **not to make money**, **but to spend money in as reasonably a way as possible**. And the relevance of the university "products" - teaching and research - can never be clearly summed up in precise quantities or production targets, nor meaningfully defined in terms of current labour market trends, because the real value of the education and the research will not be revealed till some ten or more years later. A rigid hierarchical management structure with wide ranging powers of instruction on the part of management to order academics to conduct specific research tasks is therefore out of place at a university.
- **Fourthly**, the Minister claims that academic staff are given extensive influence through their representatives in Academic Councils. But again, the Minister neglects to give the full picture. These bodies of collegiate governance are only advisory with no decision making powers when it comes to setting priorities, budgets and development plans. See the University Act § 15 in connection with § 10, which makes all decision making on essential issues the exclusive prerogative of the board. In the real world of Danish universities today, the experience of researchers is that their leaders are more loyal to the



decisions coming from top management than they are to any advice given by the advisory bodies.

- **Fifthly**, it is our view that the ministerial authority to exercise micromanagement and detailed regulation of university activity which the Minister sees as a necessity, if taxpayers' money to universities is to be spent sensibly has resulted in unreasonably extensive control measures and excessive demands for documentation. This has undermined university autonomy and taken up resources originally allocated to teaching and research. DM calls on the Minister to accept and impart to Parliament and the public the view that the greatest good to society from universities comes from allowing them extensive freedom to pursue the ultimate scientific truth and the highest form of human perception. Or in other words, to allow universities unlimited scope to challenge conventional wisdom and politically correct thinking.
- **Finally**, the Minister is completely wrong in asserting that DM has declared that it is our aim to have the new management system with hired leaders abolished. DM would like to see a system of governance at the Danish universities where the standards of institutional autonomy and individual freedom of research as set out in the UNESCO Recommendation are implemented. This is in the interest of society as a whole, and this cannot in our view be reduced to a question of the management being hired, appointed or elected. DM is not against leadership and management at Danish universities. Obviously, there is a need for good and effective leadership at universities. But if the Minister wants to create institutions that can best be described as highly specialised enterprises of service whose focus is primarily directed towards the immediate needs and interests of business and industry, then DM must of course accept that this is the democratic right of the Minister and the parliamentary majority. *In our view, however, such institutions cannot by right be called "universities". If Denmark is to continue to have universities in any real sense of the word - and to live up to the UNESCO Recommendation, as the Minister has declared is his aim - DM considers that major changes of the Danish system, as it is currently functioning, are called for.*

Jugoslav Stajevic

President

4th March 2009