

Complaint

Submission to UNESCO by DM

Copenhagen, 22nd May 2008

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1. Introduction

This complaint against the Danish Government refers primarily to the <u>Danish</u> <u>University Law of 2003</u> ¹ and its negative implications for academic freedom - specifically freedom of research, institutional autonomy, institutional accountability, and collegiality and governance rights.

DM considers that aspects of the 2003 law are at variance with the standards set out in the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel from $1997.\frac{2}{}$

Whilst DM recognises that the Danish Government's aims in reforming higher education are for Danish universities to teach and research to high international standards and to compete in international markets, this submission argues that the Danish Government has failed to comply with the 1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel.

- The complaint focuses on the restrictions on academic freedom resulting from detailed Government regulation of university education and research and the administration of the law by the Ministry of Science, Technology and Development.
- The complaint further refers to follow-up legislation passed in the wake of the 2003 University Law and to the Ministry's exercise of the authority and powers conferred on the Minister by the law, including the change in the financing of universities in general and university research in particular.
- The complaint includes the consequences of the mergers of universities and research institutions that took effect in January 2007.

1.2 Complainant

The complaint is submitted by <u>DM (Dansk Magisterforening)</u> which is a registered trade union and professional association.

DM has some 36,000 members, organises a majority of Danish researchers and teachers in Higher Education in Denmark and has collective bargaining rights on their behalf.

DM is an affiliate of The Confederation of Professional Associations (Akademikernes Centralorganisation, AC), the umbrella organisation for all unions organising academics and other professionals. The President of DM is on the executive board of AC. The DM President heads the permanent AC delegation on collective bargaining on behalf of *all* university researchers and teachers. This delegation conducts all negotiations on pay with the Finance Ministry. Since 2004 the delegation has been involved in regular talks with the

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¹ The 2003 law is annexed as Appendix 1

² Reference list, 1

Ministry of Science, Technology and Development on matters of career structures and working conditions at the universities and research institutions.

DM is an affiliate of Education International (EI), a formal associate member of UNESCO

1.3 Structure

The complaint deals with the following three areas:

- 1. Violations of the recommendation on freedom of research
- 2. Violations of the recommendation on institutional autonomy
- 3. Violations of the recommendation on collegiate governance

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The complaint is divided into four sections, three sections dealing with violations of academic freedom and a fourth section on working conditions which is an aspect of the status of higher –education teaching personnel in the UNESCO Recommendation.

Each section of the complaint describes the legislation regulating academic life, the consequences of legislation and of the ministerial exercise of powers and authority, against the background of the UNESCO Recommendation.

Each section will demonstrate how the Danish legislation and practice fall short of the Recommendation and directly contravene a number of key paragraphs.

The complaint thus sets out the matters that DM requests be forwarded to CEART.

1.4 Background information:

Danish government views on UNESCO normative instruments.

DM has repeatedly tried to draw the Government's attention to the fact that government policy contravenes the *UNESCO Recommendation*.

To some extent this was the case even in 1997, before the current government came into power. But the 2003 University Law has widened the gap between Danish university policies and the *UNESCO Recommendation*.

It is worth noting the Government's view on normative instruments from UNESCO. The Danish Government, in discussions with DM concerning government initiatives on teaching and research, has explained to DM

that the Danish vote in favour at the 29th session of the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1997 should be seen solely as an element in Danish development aid.

The Government has therefore rejected as irrelevant calls from DM to examine whether legislation regarding Danish universities complies with the *UNESCO Recommendation*. High ranking officials from the Ministry have emphasized that whereas policy development and recommendations from the OECD are of immediate relevance to Denmark, UNESCO deals only with the interests of developing countries.

Consequently, the Government finds normative instruments from UNESCO to be of no relevance to Danish conditions. Therefore, the Danish Government claims it need not take them into account.

An example of this government attitude to global education and research policy was the treatment of the *OECD-UNESCO Guidelines on Quality Provision in Cross Border Higher Education*. The Danish Government took its stance from the OECD as representative of Danish interests. In a meeting about those Guidelines with the Ministry, DM was explicitly informed that the government would work through the OECD, which would deal with the guidelines from the viewpoint of the *providers* of cross border education in developed countries, whereas UNESCO was seen as the representative of the interests of the *receivers* of cross border education in the developing world.

However, there are signs that this clear rejection of UNESCO normative instruments as irrelevant to Danish interests, is being **modified** by the current Minister, Mr Sander. In interviews with the press he has declared that he is absolutely certain that Danish legislation complies with the international standards adopted by UNESCO.

DM takes this as evidence of a change of attitude to UNESCO and we view this as a positive development. Since in this complaint DM demonstrates that essential aspects of the Danish law contravene the international standards set down in the *UNESCO Recommendation*, DM would expect the Minister to take steps to rectify this in the forthcoming revision of the 2003 law.

2. Freedom of research

In this section we refer to the <u>Danish University Law §§2,2 and 17,2</u> outlining the extent (limits) of freedom of research. We compare this to the safeguarding of freedom of research defined in paragraph 17,2 in the <u>UNESCO Recommendation §§26-30</u>.

We further briefly refer to the <u>University Law§10,8</u> describing the development contract and its (negative) implications for freedom of research. The consequences of the development contract will be further elaborated in section 3 on institutional autonomy.

UNESCO has defined academic freedom rights as central to the work of higher education teaching personnel in *Section V1 of the Recommendation*. 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 freedom of research.

2. 1. Danish limits on research freedom based on the strategic frameworks, the development contract and the Department Head's powers for allocating tasks.

<u>In § 2,2 of the Danish University Law</u>³, it is stated that the responsibility for safeguarding freedom of research rests with the university. 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 they can safeguard freedom of research against outside interests, such as political or economic interests.**

This paragraph only refers to freedom of research and ethics. It does not refer to institutional autonomy in a broad sense: research, teaching and public expression.

The paragraph does not make clear whether the university just 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 management, these are two different rights and freedoms, and it is not clear to which the law refers. In not stating both, the paragraph falls short of giving proper protection of academic freedom in its full sense.

In contrast, the UNESCO Recommendation para 19 says 'Member states are under an obligation to protect higher education institutions from threats to their autonomy coming from any source'.

In the <u>University Law</u>, §17, 2, the only other section where freedom of research is mentioned, it is stated,

"The Head of Department shall undertake the day-to-day management of the department, which includes planning and allocation of tasks. The Head of Department may allocate specific tasks to specific employees. Members of the academic staff are free to conduct research within the strategic framework laid down by the university for its research activities to the extent they are not requested to address tasks allocated to them by the Head of Department."

This means that the law defines freedom of research as only a possibility for the individual researcher, once the other obligations of their job have been met. 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.

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³ University Law §2. 2.: The university has freedom of research and shall safeguard this freedom and ensure the ethics of science

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, even when the research is not part of tasks given to the academic by her or his local leader. As pointed out above the research framework is defined by the development contract which needs the minister's approval to be valid.

Moreover, the university law states that development contracts are to cover all university activities. It is worth noting that the Parliamentary auditors (Rigsrevisionen) call for a stronger implementation of measures at the universities to fulfill the development contracts than what is taking place today.

2.2 Limits based on economic considerations and the system of research financing

A further limitation on the individual researcher's freedom of research is the potential for subjecting the researcher to restrictions based on economic considerations. Changes in the financing of research have exacerbated this situation.

The system of financing Danish universities has undergone a number of changes under this government, all of which have strengthened the political control of research fields and reduced institutional autonomy. Competition, links with industry, short term commercial effect and immediate labour market relevance have become the dominant criteria. Currently yet another model is on the parliamentary agenda. It will be based on increased competition for funds, and the exact model and politically defined criteria on which universities must compete are currently being debated.

Denmark's most recent Nobel prize winner, Professor Jens Christian Skou pointed out the potentially very harmful effects on basic research from this kind of ministerial control and political interference in a full-page comment in the daily newspaper, Information, in January 2008. Professor Jens Christian Skau, who was awarded the Nobel Prize in 1997, argues that the system of financing university research leads to a waste of research talent and failed opportunities. He makes the point that had he worked under the current system, he would probably never have made the chemical discovery that gave him the Nobel Prize. This statement is the more remarkable, as the Minister has called for more Nobel prizes to Danish researchers, and the Government maintains that the new system will make this possible. In his comment Mr Skau points out that research demands innovative thinking, it requires critical thinking and questioning of established wisdom. Therefore, the researcher must have freedom to choose his subject of research. But the current system of financing, where research is funded only on the basis of applications to special funds and politically defined subjects, restricts individual freedom of research. Mr Skau then goes on to list the changes in research funding since 1968 with the introduction of research councils, and concludes with this word of advice to the Minister, "It is not possible to plan for more Nobel Prizes. All experience tells us that chance and good luck play a very big role. What planners can do is to set the researchers free, make it economically possible for them to test ideas – and take the risk that the ideas do not lead to anything. Research is like drilling for oil. The well that produces oil must have the necessary resources, but everyone knows that one day the well runs dry. Therefore, we must drill for more discoveries, but we know that we have to drill many times, before oil is discovered. But when that happens, the result easily pays for all the failed drillings." ⁴

DM argues that the above is evidence that Danish legislation and Danish practice do not comply with *UNESCO Recommendation §§ 26 to 30 on academic freedom*.

Thus the *UNESCO Recommendation* § 27 clearly states that,

"...the principle of academic freedom should be scrupulously observed. Highereducation teaching personnel are entitled to the maintaining of academic freedom, that is to say, 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."

In contrast, as we have shown above, Danish legislation does not scrupulously observe the right and conditions of academic freedom. Freedom of research is limited through the institution's research strategy and the Department Head's powers of allocating to the individual researcher so many tasks and jobs that the time to actually exercise the right of free research becomes non-existent.

DM has already witnessed the adverse effects of this. The union has been involved in a number of recent cases where members have been dismissed or threatened with dismissal, because their research field no longer fits into the strategic framework of the institution as formulated in the university development contract with the Ministry.

The development contract⁵ is a direct regulatory tool by means of which the Ministry can undermine the autonomy mentioned in the <u>University Law §1, 2</u> where it states that universities are independent institutions. This complaint will deal with the ministerial undermining of institutional autonomy in more detail in section 3 below.

§ 27 of the UNESCO Recommendation, quoted above, further states that academic freedom/ freedom of research includes the right of the researcher to publish the results of his/her research and the right to decide how results are published. However, the freedom of research which Danish researchers in theory enjoy is further eroded in relation to the right to publish, as a separate law⁶ gives university management the power to prohibit publication on the basis of the potential for taking out a patent. This law provides the university with the right to claim the intellectual property rights for inventions and discoveries that might have a potential for patents, if the researcher has *or can have* produced the invention as part of his ordinary university research.

DM's examination of Danish university teachers' individual right to freedom of research and our experience of current practice show that the principle of freedom of research remains a remote theoretical possibility for many university staff. It is constricted by the powers of the Department Head, the research strategy and the

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⁴ List of references, 2: Jens Chr. Skau: Det koster at satse, comment in the daily Information 02.01.2008,

⁵ Universities are obliged by law to enter into development contracts with the ministry – cf. University Law §10,8

⁶ Law annexed as Appendix 2

development contract as defined in the University Law. The proper safeguards are not in place. The unavoidable conclusion is that Danish legislation and university practice do not comply with the <u>UNESCO Recommendation</u>.

3. Institutional autonomy

In this section we refer to the <u>University Law § 1</u> outlining the status of universities as self-governing institutions, and to <u>§10,8</u> where the obligation to enter into a development contract is stated, thus limiting the institutional autonomy. This is compared to <u>UNESCO</u> Recommendations

§§ 17, 22 and 24.

In this section we also include the Government's action on mergers of universities and research institutions in 2006-07.

The *UNESCO Recommendation* sees the concept of institutional autonomy as inextricably bound up with academic freedom. Institutional autonomy is critical because without it, it can be difficult to guarantee individual academic freedom for higher-education teaching personnel.

However, DM considers that the degree of current ministerial control and micromanagement, for example dictating universities' hiring policies and even forms of examination, do not comply with the *UNESCO Recommendation*, and we argue that the Danish practice has exceeded sensible levels of regulation.

3.1 Development Contract

In the <u>University Law §1</u> it is stated that universities are self-governing institutions, and in other sections of the law the governing board and the management are given authority and decision making powers in several central areas. But there are also clauses in the law that allocate important and substantial influence to university management and action to the Minister for Science, Technology and Development, other Ministers, the Accreditation Council and others. This is in areas such as economic affairs, academic conditions such as the number of full professorships, rules regulating student intake, rules regulating study programs and content. Follow-up legislation even regulates examinations, outlawing certain forms of assessment such as group examinations.

The governing board's obligation to enter into a development contract, as set down in the <u>University Law § 10,8</u>, is a general restriction of institutional autonomy, as the development contract obliges the universities to reach the 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, which is explicitly mentioned in the <u>University Law §</u> <u>17</u> about freedom of research, as quoted above, is set out in the development contract,

which consequently limits not only institutional autonomy, but also individual freedom of research, as we have pointed out in section 2 on freedom of research.

3.2 National strategy for internationalisation

In connection with the development contracts, another element adding to the undermining of institutional autonomy is the implementation of a new national strategy for internationalisation of Danish Higher Education. In 2006 a ministerial committee was set up to design such a national strategy, as the Ministry's view was that the efforts of the institutions were too haphazard and uncoordinated. It was also felt that it would be beneficial to Denmark, if in relation to marketing Danish education abroad, it could be seen as one collective initiative, rather than marketed through separate initiatives by the individual institutions. Another aspect of this was the lack of funds for separate marketing initiatives.

The Ministry was fully determined to launch a national strategy. Discussions in the committee were mainly focussed on how to *present* the demand that institutions' internationalisation efforts should be incorporated in the development contract so that they were in line with the national strategy. The ministry was worried that this would be seen as yet another ministerial interference in, and regulation of, how to carry out a specific task at the individual university or other higher-education institutions. The fact that the committee's deliberations were focussed on *presentation rather than substance* is a clear illustration that the Ministry is aware of the growing opposition to the ministerial undermining of institutional autonomy.

3.3 The process of university mergers 2006-07

The function of Danish research institutions is not only to carry out academic research, but also to act as government researchers, and to carry out research that is tightly determined by Ministries and to act as special advisers, supplying Government, sometimes privately, with the expert knowledge it requires. The merger of government research institutions into universities has exacerbated the problems of freedom of research and the opportunities for researchers to take part in public debate. Thus it has become increasingly difficult for researchers to use their freedom of speech, if they have views that conflict with government policy in the research field concerned

In theory the process of university mergers was a voluntary one. There was no legislation forcing the universities and research institutions to enter into mergers. However, universities were in no doubt that if they decided to stay out of the merging process, and unless they had a very good reason to do so, they could foresee serious financial implications in the coming fiscal years when the system of financing universities would be reformed. That "size matters", and that large institutions will be favoured in the new financing scheme has already been documented.⁷

The Minister for Research, Science and Development, Mr Sander, launched the process of "voluntary" mergers through a letter to the universities, in which he cited some of the

⁷ Reference list, 3, Theme on new research financing system in the professional journal Forskerforum, December 2007

recommendations from the OECD evaluation of the Danish universities⁸ as the basis for the call for mergers of universities and research institutions. The Minister expressed a wish to see mergers of both two or more universities as well as research institutions' merging with universities.

Institutional autonomy must necessarily be exercised within the confines of overall accountability to the authorities that allocate money and in respect of the position of universities as public institutions. But the necessary balance between autonomy and accountability mentioned in the <u>UNESCO Recommendation §22</u> does not exist in Denmark. As illustrated above, the law gives the Minister and other authorities influence over the activities of universities which in fact takes away most of their institutional autonomy.

The current career structure is a direct result of the 2006 process of a number of mergers of universities and research institutions. The career structure was the subject of talks between the union delegates and the Ministry, and the structure has been accepted by DM. The elements of an agreement on a new career structure must necessarily stay within the confines of the law. Because of the limits of the University Law, it has not been possible to include sufficient safeguards of academic freedom in the agreement on the career structure, specifically freedom of research for the individual university researcher. DM fully accepts the right of Parliament to pass legislation that the public employers and civil servants - in this case the Ministry of Science, Research and Development - are duty bound to respect. Therefore, this complaint is also based on the experience of DM not being able to negotiate sufficient safeguards of freedom of research, because the restrictions laid down in the university law of 2003 prevent this. DM had no choice but to accept the new career structure, even without proper safeguards for freedom of research, as our members at the institutions that had entered into mergers would be seriously disadvantaged without a new career structure. In this situation DM accepted that the result of the talks was probably as far as the Ministry/ university employers can go under current legislation.

Professor Jørn Lund, an external member of the Copenhagen University Board, described the extent of ministerial control in a newspaper comment in April 2007, in which he describes the cooperation between internal and external members of the University Board as positive, although universities generally had been opposed to the new law. Professor Lund says "This was not where we have problems. Quite the opposite. We stand united, because we have a common problem: the Ministry of Science, Technology and Development." He goes on to describe how even very early in the process it was surprising what rigid controls the ministry used in their dealings with the universities: development contracts, detailed regulation of hiring procedures, rigid economic controls, even as far as setting the fees and hours of work of board members. The government's method is to establish competition and special funds combined with politically decided priorities, such as technology, natural science, IT, and medical science, whereas the social sciences and humanities are down the list. The Ministry has made extra money available for Ph.D. programmes in a so-called globalisation fund, but not at the free disposal of the universities. The Ministry decides the exact quota for each subject area. The Professor concludes his comment "Divide and rule politics thrive as never before. A culture of trust has been replaced by a culture of mistrust. The Minister of Science seems to prefer

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⁸ Evaluation report annexed as Appendix 3

freedom under control rather than freedom under responsibility. This may turn out to be costly"⁹.

Many others have published analyses, comments and books on the same theme. And the public debate has led to a parliamentary decision to evaluate the University Law in 2009. In February 2007 the Royal Danish Academy of Sciences and Letters for the Sciences, published a pamphlet on freedom of research and freedom of speech at the universities with substantive criticism of the current system and practise. ¹⁰

DM argues that the Ministry's detailed regulation of the institutions is a clear violation of the *UNESCO Recommendation in section V, A and B*, which state that the universities should be given autonomy in areas such as academic activity, academic standards and forms of governance, and that these must be in accordance with basic principles of academic freedom and human rights. ¹¹

The UNESCO document recommends a system which is the opposite of the Danish practice ¹², i.e. that it should be up to the institutions themselves to set up accountability systems, quality assurance etc. and that the unions and professional associations representing the university staff must be involved in negotiations wherever possible.

This is an area where there is a clear discrepancy between Danish practice and the international standards set out in the *UNESCO Recommendations*. In Denmark - which is a country characterized by very high union membership, and by a labour market system where all essential issues are a matter for talks between employers and employees - it is remarkable that it is not seen as relevant to involve organisations representing staff directly in the formulation of new rules and regulations. Unions are only on the consultation list once new rules have already been drawn up, for example rules concerning the hiring of academic staff. After consultation, the final decision according to the law rests with the Ministry alone. And the Ministry is not obliged to take the comments and proposals made by the unions or universities into account or revise regulations accordingly. This system is not one of proper negotiations leading to mutually binding agreements, which according to *UNESCO Recommendation §24* should be the main rule when the state draws up regulations on institutional accountability

The conclusion is, therefore, that the Danish legislation and the Danish government practice in implementing legislation contravene the *UNESCO Recommendation* in several ways. Institutional autonomy, which is mentioned in the preamble to the law, is undermined by other elements in the law and by the way the ministerial authority is carried out. This has previously been pointed out by DM to the OECD in a letter from the DM President in April 2007. ¹³

¹² Recommendation §24

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⁹ List of references, 4: *Jørn Lund : Kontrolsamfund, Politisk anslag mod forskningsfrihed. Comment in the daily newspaper Politiken 07.04.2007*,

¹⁰ List of references, 5. Det Kongelige Danske Videnskabernes Selskab: Forsknings- og ytringsfriheden på universiterne., February 2007

¹¹ Recommendation §17

¹³ DM's letter April 2007, Appendix 4

4. Collegiality and governance rights

In this section we refer to the University Law §§10, 14 and 15 on university management. We compare the Danish law and practice to UNESCO Recommendations §§31-32, 33-36, on the involvement of academic staff in the governance of the institution.

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

4.1 Abolition of collegiate government

In Denmark, collegiate government was abolished with the introduction of the *University Law of 2003*.

The law prescribes that the 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 any powers to require leaders to answer their submissions. There are no ways for the academic community to hold their leaders to account.

This is in clear conflict with §§ 31-32 in section VI, B of the UNESCO Recommendation, which recommends that academic 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. decide the allocation of resources, and powers over academic issues. UNESCO's emphasis on the importance of including academic staff in decision making is based on the principle that academic expertise must not be ignored, but should be given a central role. 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 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 and how to hire academic staff, how to examine students, how to recognize credits from other universities' programmes

The Danish system only requires that the managers, who are appointed at all levels of the institution, are researchers in good standing and that the selection procedures ensure professional legitimacy. The implementation of these very general - less than specific - requirements has resulted in practices that differ a great deal from one institution to the next. Some universities have appointed Rectors and Deans who have not been active researchers for a number of years, while their recent careers have been based on administrative functions, for example in industry rather than founded in research activities or other university functions.

The general experience of the academic staff is a dramatic change of focus on the part of management.

Under the previous law, all management positions were filled through elections, i.e. the system was based on a form of collegiate government with academics, support staff and students all involved in the electoral process. Although **most academic staff did not use** their time and energy to become actively involved on a daily basis in the running of the organisation, , academics generally felt that their leaders directed their attention to the caucus from where they were drawn, i.e. the academic staff that had elected them - their peers in other words.

The *University Law* has now led to a fundamental change in attitude.

5. Working conditions

We include in this section a discussion of the effect on working conditions, comparing the Danish experience to the conditions recommended in the UNESCO document §§ 40-72, specifically the issue of sabbaticals mentioned in UNESCO Recommendations §§65-68.

The experience of the academic staff today is that their leaders turn all their focus towards those up above – including the Ministry. And the job of establishing a decent working environment and good conditions for the ordinary staff has been relegated to second place on the management priority list.

We argue that this has had the effect that it is now highly questionable whether the Danish legislation and administrative implementation of rules and regulations follow the clauses and articles on the pay, terms and conditions for higher-education teaching personnel listed in the <u>UNESCO Recommendations §§40-72section IX, items A to J.</u> This in spite of the fact that Danish teachers and researchers in Higher Education generally meet the requirements and hold the areas of responsibility listed in the <u>UNESCO Recommendations</u> §§33-36.

DM accepts that it is always a question for debate whether the pay that Danish university teachers take home reflects the importance to society of their profession, or whether it is comparable to other areas of the labour market that require the same level of education and competences. Recent data compiled by the Confederation of Professional Associations, however, reveal that university teachers' pay over the last ten years has fallen behind that of civil servants in public administration. ¹⁴

Likewise data from the European Union¹⁵ show that the salaries of Danish university teachers are comparable to those of higher education teaching personnel in India and lag behind those of European and North American colleagues. DM would therefore argue that if pay is a measure of status, the Danish Government and university employers do not accord Danish Higher Education teaching personnel the status recommended in the *UNESCO Recommendation*. The most recent collective agreement of March 2008 may go some way towards rectifying this situation.

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¹⁴ AC Statistics annexed as Appendix 5

¹⁵ Reference list 6: EU document: Remuneration of Researchers in the Public and Private Sectors

However, the state employers have consistently refused every proposal for introducing a system of sabbaticals as recommended in the *UNESCO Recommendation §§ 65 to 68*.

Although the conditions for part-time teachers are the subject of on-going negotiations, it is beyond doubt that most part-time teachers currently have to work under contracts that differ from those of full time permanent staff, one effect of which is that they do not have pension rights.

6.Conclusion

As mentioned in the introduction, Mr Sander, the Danish Minister of Science, Technology and Development, is convinced that Danish rules and administrative procedures fully comply with international standards. But DM hopes, with this complaint, to have given evidence to prove that this is not the case.

Should this complaint lead to further questions, DM is prepared to discuss such questions at any time, and we are ready to elaborate and produce more detailed explanations, if any of the above is insufficiently explained and calls for further documentation.

DM is in no doubt that the only conclusion to be drawn from the above, and the further evidence of the 7 Appendices and the list of references, is that Danish legislation and Danish practice do not comply with the international standards set out in the UNESCO Recommendation on academic freedom with regard to freedom of research, institutional autonomy and collegiate government..

We therefore request that UNESCO forward this complaint to CEART in accordance with usual procedure.

Ingrid Stage
DM President
22nd May, 2008.

7. LIST OF REFERENCES

1. UNESCO Recommendation on the Status of Higher-Education Teaching Personnel,

http://portal.unesco.org/en/ev.php-L_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html

- 2. Jens Christian Skau: *Det koster at satse*, Comment in the Danish newspaper Information, 2nd January 2008
- 3. The professional journal Forskerforum, December 2007 issue. http://www.forskerforum.dk/downloads/ff-210.pdf
- 4. Jørn Lund: *Kontrolsamfund, Politisk anslag mod forskningsfrihed* Comment in the Danish newspaper, Politiken 7th April 2007.

Det Kongelige Danske Videnskabernes Selskab: *Forsknings- og Ytringsfriheden på universiteterne*. February 2007

6.EU Commission: Remuneration of Researchers in the Public and Private Sectors

http://www.europa-kommissionen.dk/upload/application/0e234d24/uuu.pdf

We further refer to the following three publications, two of which are on the state of academic freedom in Denmark and the third an international recommendation similar in content to the UNESCO Recommendation.

- Det Kongelige Danske Videnskabernes Selskab: Forskeren i Samfundet, February 2008
- 2. S. Wright & Ørberg: Autonomy and Control, Danish University reform in the context of modern governance, Learning, 2008, (No1.1)
- 3. Council of Europe, Recommendation 1762 on Academic Freedom and University Autonomy, 2006

http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc07/edoc11382.htm

8. Appendices

- 1. Act on Universities, the University Law of 2003, Danish Ministry of Science. Technology and Development
- 2. Act on Inventions at Public Institutions, Danish Ministry of Science, Technology and Development
- 3. OECD Review: University Education in Denmark, Examiners' Report, January 2004
- 4. DM comments on the follow-up to the OECD review of university education in Denmark
- 5. Lønudviklingen 2000-2006 i den statslige sektor, statistics on remuneration of public employees from AC- the Confederation of Professional Associations