

## Trinity College Dublin Policy on Academic Freedom



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Members of the University Council Working Group on Academic Freedom

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## 1. INTRODUCTION

### 1.1 Background

In January 2008, representatives of the Academic Staff Association in Trinity College Dublin prepared a document on 'Academic Freedom and Research Plans', and a draft of this document was agreed with the then Bursar. This document was later presented to the Vice-Provost/Chief Academic Officer, and it was agreed that the subject of academic freedom was one that would benefit from a formal policy established by the University Council. To that end, it was agreed to propose to the University Council that a Working Group on Academic Freedom be established. The purpose of the Working Group would be to bring forward a policy document on academic freedom in TCD. The document would give the context for academic freedom in universities and recommend principles to inform decision-making in College.

### 1.2 Strategic Plan (2009-2014)

The College's Strategic Plan (2009-2014) specifically references academic freedom as an effective instrument for achieving the goals of the University. Allied with academic freedom is the principle of autonomy of the university; Trinity's Strategic Plan reiterates the importance of institutional autonomy alongside a commitment to accountability for the quality of teaching and research, and for the stewardship of resources. A specific action in the Strategic Plan relates to the College taking an increased leadership role in public debate, further reinforcing the idea of the university as a public 'space' which values diversity of opinion and expression.

### 1.3 Definition

Academic freedom is valued as a defining characteristic of the university. It includes the freedom, subject to the norms and standards of scholarly inquiry, to conduct research, teach, speak and publish without interference or penalty, no matter where the search for truth and understanding may lead. No member of the college community should feel that their position in the College is made insecure because of the expression of a particular opinion. This extends to all manner of opinions on social, cultural, or political topics related to academic work. Academic freedom encourages the exploration of new ideas, the testing of received wisdom and, ultimately, the search for truth; it is a *sine qua non* for free inquiry. In the past, threats to academic freedom, and hence to freedom of intellectual enquiry and expression, have originated from individuals and groups within and outside the

university using their power to prevent the expression of opinions contrary to theirs; such instances have been well documented<sup>1</sup>.

#### 1.4 Current potential sources of threats to academic freedom

The pace of recent changes in universities, many of which are motivated by or arise in response to changes in the wider society, are seen by some commentators to threaten academic freedom. Such activities that could run into conflict with academic freedom are:

- *Strategic planning, particularly relating to research.* Though academic planning can be a positive, rational exercise, it carries with it risks such as requiring individuals to participate in research activities against their better judgement, and the marginalisation of the work of those whose research or teaching does not fit the strategic objectives of the university, thereby excluding individual academics' full participation in the activities of their School or Department.
- *Measurement of performance in research, including allocation of resources based on meeting targets for research productivity.* While it is a fundamental assumption that all academics in an institution such as Trinity College engage in research, productivity metrics carry with them the potential to impose an external set of academic priorities on the work of individuals. Such metrics may dictate the timing, structure, and purpose of research, or prescribe the ways in which research results are reported, in a manner that limits the autonomy of the individual academic staff member as the prime mover of research activity. If the metrics are not drawn correctly and with due appreciation of the diversity of research conducted in the university, then certain fields of study or modes of research activity might be wrongly excluded.
- *Changes in university governance.* The collegiate model in academic governance is the product of a long period of evolution and highlights the value of an environment in which the differing perspectives of academics from a wide range of disciplines, backgrounds, and levels of seniority are given influence and accorded respect. The collegiate model has shown itself capable of supporting a diversity of intellectual goals and practices, and cultivates a spirit of academic freedom in the decision-making process. Models of governance that are more hierarchical have the perceived advantages of quicker and more directed decision-making, but the disadvantage of reductions in levels of individual autonomy in teaching and research. To the extent that hierarchical models of governance are imposed by external sources (whether

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<sup>1</sup> See, for example, Stephen H. Aby and James C. Kuhn IV (eds.), *Academic Freedom: A Guide to the Literature* (Westport, CT: Greenwood Press, 2000); Terence Karran, *Academic Freedom: A Research Bibliography* (2009) (available online at <[eprints.lincoln.ac.uk/1763/](http://eprints.lincoln.ac.uk/1763/)>; Jonathan R. Cole, *The Great American University* (New York: Public Affairs, 2009); and the *British Journal of Educational Studies* vol. 57, no. 2 (2009), devoted to a current review of academic freedom.

directly or indirectly) the risk to academic freedom may arise not only through the potential loss of the opportunity for individual input into decision-making, but through the loss of the university's own autonomy in accepting a re-definition of its internal structure and its role in society.

- *State control through funding mechanisms.* In a democratic society the State usually encourages or (by extension) discourages certain activities indirectly using funding mechanisms. While the university necessarily takes a long-term strategic perspective on the value and importance of its activities in research and teaching, the state may wish to harness the talent within the university in pursuit of more immediate goals. Recognising their vital role in society, universities – especially those which receive state funding – will often respond positively to such initiatives. Nevertheless, any view that universities are adjuncts to the State potentially threatens academic freedom by external prioritisation of some lines of learning and enquiry over others
- *Academic tenure and fixed-term contracts.* Most discussions of academic freedom accept as axiomatic that security of tenure is a necessary condition for the maintenance of academic freedom. Fixed-term contracts are also problematic for academic freedom as it may be difficult if not impossible to develop certain kinds of research within the confines of a fixed-term contract; individuals on such contracts may feel under obligation to fulfil specific needs rather than to plan and develop an independent academic career. While the limited use of short-term contracts for specific purposes is not, in itself, necessarily problematic for academic freedom, suggestions to eliminate secure tenure as the basic form of academic contract do represent a threat to the principle of freedom of intellectual enquiry and expression. At the level of the institution, imposed constraints on the ability to offer contracts which include security of tenure also threaten the capacity of the university to provide an environment which is conducive to academic freedom and the benefits which it brings.

### 1.5 Purpose of this document

This document, then, is designed to address the challenges of the present in the light of experience which shows that the only way for the university sector to maintain a commitment to excellence is to maintain a robust commitment to the freedom of intellectual enquiry and expression: to separate universities from the specific political or economic objectives of government (and indeed to allow for a critique of the status quo in society), to ensure that funding continues to be used to the benefit of students and society at large by supporting research and teaching on the basis of sound academic criteria, and to protect the security of individuals within the system to engage in research, teaching, and learning subject only to academic standards.

## **2. ACADEMIC FREEDOM – THE POLICY CONTEXT**

The position put forward in this document is in line with that articulated by the International Association of Universities (IAU) at their UNESCO-sponsored meeting in Nice, 1950. This statement affirms the defining principles of the modern university, among them (1) 'the right to pursue knowledge for its own sake and to follow wherever the search for truth may lead' and (2) 'the tolerance of divergent opinion and freedom from political interference'.<sup>2</sup> A similar position is expressed in the *Magna Charta Universitatum*, which was originally signed in Bologna in 1088 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 that:

'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'.<sup>3</sup>

Underscoring this principle almost 50 years after its initial declaration, the IAU has more recently emphasised

'that neither Academic Freedom which encompasses the freedom to enquire and to teach as well as the freedom of students to learn, nor University Autonomy are privileges but that they are the basic and inalienable conditions which enable the University as an institution of scholarship and learning'.<sup>4</sup>

This theme was later echoed by the First Global Colloquium of University Presidents, which declared in 2005 that

'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'.<sup>5</sup>

The Global Colloquium links the autonomy of institutions to the autonomy of individual scholars and to that of students: without autonomy at each level, universities are unable to function. Academic freedom is thus neither an extension nor a duplication of the freedom of speech protected by the law of the land in democratic countries, nor is it an individual privilege: it is a specific defining

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<sup>2</sup> International Association of Universities, 1998. 'Academic Freedom, University Autonomy and Social Responsibility'. See [www.unesco.org/iau/he/af/index.html](http://www.unesco.org/iau/he/af/index.html).

<sup>3</sup> *Magna Charta Universitatum*. See [www.magna-charta.org/home2.html](http://www.magna-charta.org/home2.html).

<sup>4</sup> International Association of Universities, 1998, op. cit.

<sup>5</sup> Report of the First Global Colloquium of University Presidents, 2005. Available at [www.columbia.edu/cu/president/communications%20files/globalcolloquium.htm](http://www.columbia.edu/cu/president/communications%20files/globalcolloquium.htm).

characteristic of the university. In the university, the commitment to research, no less than the commitment to teaching, is also a commitment to academic freedom.

These internationally-recognised principles of academic freedom have also been recognised in Irish law. A recent comparative study shows that Ireland is in fact well ahead of many other European countries in its recognition of the values of academic freedom.<sup>6</sup> The Universities Act, 1997 explicitly recognises the role of academic freedom in teaching, research, and public life in guaranteeing that

a member of the academic staff of a university shall have the freedom, within the law, in his or her teaching, research and any other activities either 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.<sup>7</sup>

Citing the Universities Act, the 2010 Consolidated Statutes of Trinity College Dublin and of the University of Dublin include a provision that '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'.<sup>8</sup>

While the development of academic freedom as a feature of the university has a long history, experience in the 20th century and into the present day has shown the dramatic effects of conflicting tendencies in academic life. In recent history, in some countries, universities have witnessed the suppression of research and teaching which go against prevailing societal orthodoxies (whether political, religious, or economic), the use of funding mechanisms to influence academic development on the basis of non-academic criteria, the transformation of universities functioning as arms of the state, and political restrictions on travel and communication. Those who framed the Nice declaration in 1950 would have been freshly aware of the fragile nature of academic freedom, and its importance for a democratic society.

There have, however, been counterbalancing positive movements towards democracy and decentralisation in the university sector, particularly in the second half of the 20th century. University governance has increasingly given a role to more junior academic staff and to students, efforts are taken in many countries to broaden the social basis of university participation, and the revolution in print and electronic

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<sup>6</sup> Terence Karran, 'Academic freedom in Europe: reviewing UNESCO's Recommendation', *British Journal of Educational Studies* 57 (2009): 191-215.

<sup>7</sup> Universities Act, 1997, Section 14 (2).

<sup>8</sup> The 2010 Consolidated Statutes of Trinity College Dublin and of the University of Dublin

media has transformed the ability of scholars in different parts of the world to collaborate in ways that overcome local constraints. The recognition of academic freedom can thus be seen in parallel with further trends towards a more open society in many countries.

### **3. RELEVANT ISSUES FROM THE UNIVERSITY COUNCIL WORKING GROUP ON ACADEMIC FREEDOM**

The Working Group on Academic Freedom has had the opportunity to examine a range of recent developments in College which may have implications for the principles of academic freedom. The recent revision of the College statutes, which now include explicit provisions in relation to academic freedom and security of tenure, provide a crucial framework for discussions of this kind. Emerging from the discussion, and in support of the principles which follow in Section 4 of this document, the following points should be noted.

#### 3.1 Summary of Working Group Discussion on Research Plans

It is a condition of employment for academic staff in College that they be active in research. This condition is not prescriptive of the nature or direction of research, nor of the means by which research is reported, or of the timing or frequency with which the results of research activity are made public. While outside funding may be supportive of research, and in many cases funding is required to conduct the research, the contractual obligation to conduct research does not imply an obligation *per se* to raise outside funding. Therefore, participation in research planning exercises at discipline, school, unit, or College level, while it is to be encouraged cannot be seen as mandatory if it encroaches on the individual's academic freedom. The principles of academic freedom respect both the positive benefits of academic planning and co-ordination and the importance of allowing individual academics to opt in or out of planning activities without fear of marginalisation. Research planning exercises should not be used to channel the individual academic's research activity into (or away from) particular areas. Where a planning exercise reveals impediments to the development of an individual's research aspirations (e.g. due to lack of resources, imbalances in administrative workloads, the need for enrichment of the individual's knowledge or skills base, etc.), other mechanisms (such as mentoring, research leave, etc.) should be brought into play in order to develop an environment which is conducive to further development.<sup>9</sup>

#### 3.2 Summary of Working Group Discussion on Academic Freedom and Research

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<sup>9</sup> Further details as to a 'code of practice' for the compilation of school or departmental research plans are contained in the 2008 academic freedom document referred to at the start of this report; though some details of this document may have become obsolete due to ongoing changes in the way in which College business is conducted, the basic principles provide a point of reference for further work.

The academic's obligation to conduct research in an environment of academic freedom can have many different outcomes. A working definition of research in College is what constitutes

the discovery, creation or critical development of new facts, ideas, theories or processes that advance knowledge in the relevant discipline or field of study or result in works of artistic accomplishment.

This definition should be read in an enabling sense: as a minimal definition of the many different kinds of academic activity which make new contributions to knowledge and experience in the university environment. Incentivised reward systems, which allocate some portion of funding on the basis of research activity, are not inherently in conflict with the principles of academic freedom. They must, however, offer each individual an equal chance to participate in such funding systems. The principle of affording equal chances to individuals based on their merits within their own academic areas determines that any system of 'Research Quality Metrics' (RQM), for example, must be defined in terms that are broad enough to encompass all academically legitimate forms of research activity and related professional practice, and not to privilege any particular subject area or type of research outcome over others. Not only must Research Quality Metrics therefore be fully inclusive, their implementation must be based on adequate knowledge of each individual's research activity. No less than with research plans, the system of Research Quality Metrics as currently being implemented in College should be understood as a specific tool for a specific purpose: it does not define the nature of research, it does not define whether or not an individual is active in research relative to the terms of their conditions of employment, and it does not measure the quality of research; it reflects the quality of an individual's involvement with research by the quantification of agreed research outcomes. Rather, the system, to the extent that it accords full recognition to the diversity of research activities in the modern university, is a way of allocating funding to academic units where agreed thresholds of research activity have been documented.

The relationship between academic freedom and research is intimately bound to the question of research and teaching. The notion of 'research-led teaching' figures prominently in such discussions. Experience and understanding of this phrase varies widely across College. In some disciplines, the current research of academic staff members feeds directly into teaching, even at undergraduate level: the latest research discovery may form the topic for a lecture which could not have been anticipated the week before. In other areas, undergraduate education is more incremental, and more time may be spent on basics at undergraduate level which do not have an obvious connection to ongoing research at a high level. The principle which values the activity of the teacher-scholar, which is a fundamental aspect of the College ethos,

nevertheless values an approach to teaching which is informed by current research and an approach to research which views students as a potentially crucial audience for the outcome of research. In some areas, it could well be argued that the presentation of research findings before a class of students who will go on to become influential in their chosen field will have far more impact than presentation in a journal read by a small number of specialists: while this argument may not hold across all areas, it underscores the importance of recognising, in RQM or by other means, the teacher-scholar's commitment to the seamless development of research and teaching practice.

Postgraduate students occupy a particularly crucial status in the interface between teaching and research. In a collegiate model, all students enjoy an element of academic freedom, as they too constitute a part of the community of scholars. Postgraduate students naturally occupy a place of higher autonomy as students: postgraduate research is based on the principle of making an original contribution to knowledge, and the research student, particularly, is required to demonstrate individual, self-directed skills in research and the reporting of research. The relationship between student and research supervisor, as well as the funding environment, may, however, pose threats to the principles of academic freedom. Research students who are recruited as part of a team, or funded by specific research projects, may be required to carry out work which is directed to achieving the goals of the Principal Investigator's research grant. Students who feel that they have been brought in to do a specific job for a research project may feel little sense of academic autonomy, despite the stated goal of research students as making an original contribution to knowledge. However, it should also be noted that many postgraduate students appreciate the opportunity of working under the supervision of a Principal Investigator and find that their academic freedom is facilitated as their learning develops in the course of the research degree. Funding agencies may make explicit demands on what a project is to deliver, and these may in due course come to conflict with the research student's academic development; resolving such conflicts requires the exercise of judgement on behalf of the supervisor. Though specific remedies to problems of this kind lie beyond the terms of reference of the Working Group, discussion has highlighted this matter as one that requires attention and continued awareness on the part of both students and their supervisors.

#### **4. PRINCIPLES REGARDING ACADEMIC FREEDOM**

The Working Group proposes the following principles in order to steer the institutional response to the challenges which are discussed in this document. In particular they should serve to inform the University Council and its Academic Committees, and the Board and its Principal Committees in their policy and oversight roles at all levels.

4.1 Freedom of Expression: Policies should recognise that freedom of expression is a core value in the College. No policy should be adopted that would, inadvertently or otherwise, curtail freedom of expression among either staff or students. Likewise decisions made by College Officers in the performance of their duties should give due importance of the benefit to the academic community, and society as a whole, that flows from freedom of expression. Staff and students should understand the obligations and responsibilities that freedom of expression brings.

4.2 Teaching: Notwithstanding the requirement of teaching staff to teach a curriculum arrived at through collegial discussion at discipline or other appropriate level, the College will maintain an environment for teaching and learning that values diversity of opinion, encouraging exchange of opinion between teacher and student as part of a robust educational process. Staff are not required to present as valid what they consider to be inaccurate or untrue, and students will be enabled to question that for which inadequate evidence is given. In all cases, the College will seek to develop the search for truth as a part of the experience of teaching and learning, relying not on the imposition of authority or acceptance of received knowledge but rather on the exercise of the critical faculties of the human mind. Diversity, whether in teaching and learning styles and modalities, subject matter, or learning outcomes, is valued as a natural consequence of academic freedom.

4.3 Research: Recognising that the search for new knowledge, experience, and practice is an essential part of the College's reason for being, the College will ensure that an environment is maintained that facilitates the pursuit of knowledge wherever it may lead. The maintenance of this undertaking relies on both a positive principle of support and a negative principle of restraint. On the positive side, College policy is to support, by various means available to it, individuals and groups in pursuit of their diverse research aspirations. This support includes the role of College in incentivising or rewarding particular areas of research in an open manner. Subject to the requirements of law and good academic practice, however, the principle of restraint ensures that College will not actively disadvantage any particular area or type of research.

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