



early
careers

Academic Freedom

a guide for
early careers staff

UCU

University and College Union

www.ucu.org.uk/youngmembers

What is academic freedom?

Academic freedom is often taken as the right of academics in the UK ‘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 the privileges they may have’¹.

More widely, it means having:

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

It also means being able to exercise those freedoms without fear that it will affect your job security, terms and conditions (including pay), career development or status.

Who does it apply to?

The principle of academic freedom should apply to anyone involved in any form of academic activity – including researchers, hourly-paid lecturers and academic-related staff.

Why is it important?

The nature of academic work and its requirement to push back the boundaries of knowledge and challenge the status quo

¹Taken from Education Reform Act 1988

What does it mean in practice?

in teaching, scholarship and research makes academics particularly vulnerable as a group of workers, especially when staff are on a fixed-term contract or subject to probation.

Without the protection of academic freedom, academic and academic-related staff may feel unable to challenge views – be it those of the institution, vice-chancellor or principal, politicians, business interests or even other colleagues.

In practice academic freedom means:

- freedom to make most decisions about the courses you teach – content, the way you teach this and the materials you use
- freedom to make decisions about your research priorities
- a collegial approach to work (including determining the curricula, assessment methods, academic standards, research priorities, administration and outreach work), and input into decision making and institutional governance
- security of employment providing a foundation for academic freedom by ensuring that academic staff cannot be dismissed without just cause and rigorous due process
- properly-agreed probation procedures
- the right to criticise (including the institution where you work) without fear for your job
- the right to publish – and to be credited for your input into published works
- peer involvement in decisions relating to probation, grievances, disciplinarys and

What can you do to promote academic freedom at work?

Academic freedom and the employment contract

dismissals (including the decision to dismiss at the end of a fixed-term contract)

- the opportunity (including the time) to be involved in professional and representative academic bodies, including UCU.

In order to help promote academic freedom at work you can:

- encourage your UCU branch to campaign on academic freedom, eg speaker at a general meeting
- use UCU's resources on academic freedom, eg UCU statement: www.ucu.org.uk/academicfreedom and UCU Scotland's Charter for Academic Freedom: www.ucu.org.uk/media/pdf/3/1/Academic_Freedom_charter.pdf
- publicise the issue in campus-based media, eg online discussion forums
- ask for the issue to be included as part of new staff inductions and professional development programs.

In higher education the rules relating to academic staff conduct are bound by the concept of academic freedom.

In the new universities (often referred to as the post-92 universities) the concept of academic freedom is to be found in the institution's Articles of Government. These Articles are legal documents which determine how the University is to be run.

The Board of Governors is charged, after consultation with staff, with making the rules relating to the conduct of staff. However, in

doing so the Board is obliged to have 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 or losing their jobs or any privileges they may have at the University.’

In chartered institutions (most of the ‘old’ pre-1992 universities) the rules of the university are set out in charters and statutes (rather than instruments and articles).

However, like the instruments and articles in the new universities, these are documents that apply only to the individual university but do have a legal standing. In most pre-92 universities there will be a statute that enshrines the principal of academic freedom and sets out how redundancies, disciplinarys, grievances and other dismissals are handled. This is often referred to as the ‘model’ statute or the ‘employment’ statute.

Who does the model or employment statute apply to in chartered institutions?

The model statute applies to employees who are defined by the university as academic staff. In some universities this is narrowly defined as lecturers, senior lecturers, readers and professors.

In other universities it includes research staff and academic-related staff (such as senior library and computing staff). If you are unsure as to whether you are covered or not ask your local UCU branch.

What does it mean in practice?

These model statutes don't set out the exact procedure that must be followed – these are usually found in the university's 'ordinances' or 'regulations' – but they do set out clear principles that are intended to protect the academic freedom of relevant staff.

One of these is that academic staff can only be made redundant if the university's ruling body – the council or court – has made such a decision. If the council or court does think redundancies may be necessary they must set up a redundancy committee to oversee the process. This redundancy committee must include a member of academic staff and this provides some protection for academic staff from being selected for redundancy for exercising their academic freedom. These rights under the university's statute exist in addition to the normal rights on consultation in redundancy situations that apply to all staff.

Disciplinary cases that could lead to dismissals also require a panel hearing involving an academic member of staff as do final grievance hearings.

The statutes also provide for an independent appeal against any dismissal of an academic member of staff to an experienced lawyer.

Why is this important?

The inclusion of academic staff on the various panels and the independent nature of the appeal process should act as checks and balances on the processes to ensure that no member of academic

staff is put at a disadvantage or is in fear of losing their employment for exercising their academic freedom.

These provisions are now under attack with many universities seeking to weaken the process, making it easier to dismiss academic staff. UCU believes that the provisions are important as part of the protection of academic freedom, and will seek to defend current provisions wherever we can.

In many countries academic staff have security of tenure but this is no longer the case in the UK. In these circumstances, the statutes do at least offer some protection against indiscriminate treatment of academic staff.

What can I do?

Make sure you know where to go to get help from UCU if you need it.

Find out if your university still has an employment statute and if so, if you are covered by it.

Talk to your branch to find out if there are any threats to the statute locally – if there are, find out how you can help.

If you think that your employer is not following its own statutes when they should, make sure your branch/LA knows about your concerns and encourage others to raise any concerns with UCU. ■



UCU campaigns unit, UCU, Carlow Street, London NW1 7LH
T: 020 7756 2500 E: campaigns@ucu.org.uk W: www.ucu.org.uk
© UCU. March 2012

UCU