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Research Guidelines for Country Case Studies on Academic Freedom

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Research Guidelines for Country Case Studies on Academic Freedom

Katrin Kinzelbach, Ilyas Saliba, Janika Spannagel

1. Case Study Methodology

The research guidelines serve as a standardized framework to allow for comparison between different country case studies. All instructions should therefore be closely followed. You are, however, encouraged to highlight and expand on certain aspects that you deem most relevant in your specific country case.

Describe the Status Quo

The aim of the case studies is to describe the current state of academic freedom in a particular country. Of course, you may need to contextualize your description with references to past events or decisions, but please make sure that the focus of the case study remains on developments in the recent past, i.e., within the last three years of the time of writing.

Base Your Claim on Evidence

The studies should conform to academic standards of objectivity and quality by offering appropriate references and evidence for cited developments and their corresponding assessment, as well as a discussion of any contrary evidence. Where possible and pertinent, you are encouraged to make use of primary information in the form of interviews, focus groups, surveys, or official statistics. However, the sources of all data must be made transparent, and their credibility must be discussed. When

asserting that certain restrictions on academic freedom occur or have occurred, be as specific as possible by providing examples and naming particular events or practices that illustrate the validity of your claims. Provide as much detail and political context as necessary to evaluate whether a given restriction is part of a wider pattern or is an isolated occurrence. You may also want to reflect on biases originating from your own or others' experiences within the academic system. Bear in mind how your own positionality – through gender, belief, ethnicity, or age – might influence your assessment.

Pay Attention to Subnational Differences

One of the strengths of qualitative case studies is that they allow the author to assess variations in the levels of academic freedom between universities within the same country or between different disciplines. We encourage you to elaborate on such differences throughout your case study, whenever possible and appropriate. In the final subsection of the main body of your case study, we ask you to reflect in detail on subnational differences.

If it is unrealistic to provide a comprehensive analysis of all subnational variations, then please focus on the most important ones. You should then make your chosen focus explicit, elaborate on the reasons for your choice, and indicate which aspects may have been omitted from your study.

2. Key Definitions

To avoid different interpretations of key terms used across case studies, please take the following definitions into consideration when reading the instructions and drafting your case study:

Academic Freedom

Academic freedom “includes, at least, the following dimensions: protection of researchers from undue influence on their independent judgment; their possibility to set up autonomous research institutions and to define the aims and objectives of the research and the methods to be adopted; the freedom of researchers to freely and openly question the ethical value of certain projects and the right to withdraw from those projects if their conscience so dictates; the freedom of researchers to cooperate with other researchers, both nationally and internationally; the sharing of scientific data and analysis with policymakers, and with the public, wherever possible.”¹

Institutional Autonomy

“Autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher-education teaching personnel and institutions.”² The term refers to the ability of universities to independently govern themselves and establish or change their internal structure, governing bodies, academic profile (i.e., initiate or terminate degree programs and control student admission procedures, recruit staff, etc.), and accountability

¹ UN Committee on Economic, Social and Cultural Rights (CESCR), “General comment No. 25 on science and economic, social and cultural rights (article 15 (1) (b), (2), (3), and (4) of the International Covenant on Economic, Social and Cultural Rights),” E/C.12/GC/25, Geneva: United Nations, 2020, §13, pp. 3-4, <https://undocs.org/E/C.12/GC/25>. For comparison, see World University Service, “The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, Lima: WUS, 1988, <https://www.wusgermany.de/sites/wusgermany.de/files/userfiles/WUS-Internationales/wus-lima-englisch.pdf>.

² United Nations Educational, Scientific and Cultural Organization (UNESCO), “Recommendation concerning the Status of Higher-Education Teaching Personnel,” Paris: UNESCO, 1997, http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html.

mechanisms. Furthermore, institutional autonomy means the ability of universities to act independently on financial matters (i.e., raising and allocating funds, owning property and/or land, accumulating surplus, and charging tuition fees).³

University or Higher Education Institution

These terms include all higher education institutions, both public and private, accredited by the responsible state agency or institution, including research universities, universities of applied sciences, undergraduate colleges, polytechnic universities, and international campuses present in the country's territory.

Scholars

Scholars are trained scientific researchers and lecturers affiliated with a university in a paid full-time or part-time professional capacity.

Non-academic actor

This term refers to individuals and groups that are not scientifically trained university affiliates. Non-academic actors include individuals and groups such as politicians, party secretaries, externally appointed university management, businesses, foundations, other private funders, religious groups, or advocacy groups.

Campus Integrity

This term refers to the absence of an externally induced climate of insecurity or intimidation on campus.

³ Thomas Estermann and Terhi Nokkala, "University Autonomy in Europe I. Exploratory Study," European University Association, 2009, p. 7, <https://eua.eu/downloads/publications/university%20autonomy%20in%20eu rope%201%20-%20exploratory%20study%20.pdf>.

3. Case Study Structure

Please use the following structure as a template for your study and refrain from deleting or modifying the section and subsection headings.

1. Summary
2. Methods, Sources, and Scope of the Study
3. Characteristics of the Higher Education Sector
4. Current State of Academic Freedom and Key Developments in the Recent Past
 - 4.1 Legal Protection of Academic Freedom
 - 4.2 Institutional Autonomy and Governance
 - 4.3 Freedom to Research and Teach
 - 4.4 Exchange and Dissemination of Academic Knowledge
 - 4.5 Campus Integrity
 - 4.6 Subnational and Disciplinary Variation
 - 4.7 Efforts to Promote Academic Freedom
5. Conclusion

You will find more detailed instructions below, including sample questions to guide the content of each section.

The overall length of the case study should be approximately 7,000 words.

4. Case Study Content

1. Summary (300 words)

The abstract should summarize the most important points of your analysis and give the reader an overall impression of the state of academic freedom in the country under review.

2. Methods, Sources, and Scope of the Study (300 words)

This section explains to the reader what evidence you are basing your analyses and judgements on. You should elaborate on any data collection efforts you may have undertaken to produce your case study – for example, any interviews conducted, any surveys or reviews of relevant legislation, and any media analyses. Please indicate any limitations to the scope of your study here, e.g., if you are not covering all of the country’s subnational differences. This section is also where you may want to briefly reflect on your own positionality.

3. Characteristics of the Higher Education Sector (600–900 words)

This section provides key information on the countries’ academic sector that should help to contextualize the subsequent analysis of academic freedom. Many of these points are very closely linked to but not in themselves part of academic freedom. You may – as you see fit – include information on:

- **Governance:** the structure of higher education governance (e.g., decentralized or centralized governance; participation of university representatives/unions in decision-making);
- **Funding structure:** the ratio of public vs. private universities in the country; the relevance of public-private partnerships within the higher education sector; the need for universities and scholars to raise third-party funding;

- Size and access: the number of higher education institutions and how accessible they are to the general population (e.g., tuition fees and tertiary education rates);
- Financial security: whether average scholars can live on their earnings as academics; scholars' financial vulnerability (e.g., due to a prevalence of fixed-term positions instead of tenure);
- Corruption: the role of corruption or research misconduct/standards on integrity;
- Discrimination: the existence of systematic discrimination patterns in society – including based on gender, race, religion, sexual orientation, language, class, or other status – that also affect universities (for example, in student admissions, fees, or matriculation; the recruitment of faculty; or career opportunities); the condition and quality of the academic sector in international comparison;
- Politicization: the degree to which students and/or scholars are organized in unions and their politicization; the presence of protest activities at universities – including demands for academic freedom or change in higher education policies;
- History: some historical background, if deemed relevant for the subsequent sections.

4. Current State of Academic Freedom and Key Developments in the Recent Past (5,500 words)

Describe the current state of academic freedom in the country under review by assessing the following elements in successive order. For each subsection, provide descriptions of key developments, practices, and types of actors responsible (e.g., government agencies, politicians, businesses, foundations, foreign governments, religious or public pressure groups) that

either facilitated or restricted academic freedom in the recent past. Please bear in mind that the specific tools employed to restrict academic freedom can be manifold and may vary over time.

While conducting your research, please consider the guiding questions below, which are meant to serve as a point of reference and to orient your analysis. In each subsection, you are welcome to focus on those aspects which you deem most relevant – you do not need to address all the questions if they are not pertinent in the country under review. As long as the general structure remains intact, you may also add further issues or examples as you see fit.

4.1 Legal Protection of Academic Freedom⁴

Is academic freedom mentioned in national (and, for federal systems, in subnational) constitutions? If so, how?

Is academic freedom mentioned in relevant national or subnational legislation or regulations on higher education?

Have there been any significant court decisions, recently or further in the past, relating to academic freedom, and if so, regarding which aspects? Were the rulings enforced?

Are international recommendations or treaties including principles of academic freedom referenced in legislation or regulations on higher education (e.g., UNESCO's 1997 recommendations, ICESCR Article 15, the right to science, etc.)?

⁴ For comparison, see Terence Karran and Lucy Mallinson, "Academic freedom in the U.K.: Legal and normative protection in a comparative context," Lincoln: University and College Union, 2017, <http://eprints.lincoln.ac.uk/id/eprint/26811/>.

4.2 Institutional Autonomy and Governance⁵

How autonomous are higher education institutions in deciding on their internal organization (e.g., independent selection of executive and/or academic heads; structure of internal departments)?

Do scholars and students participate in the institutional governance of universities (through self-governance or via interest groups, such as professional organizations or unions) in a meaningful way?

Can higher education institutions independently decide on the internal allocation of their resources?

Are recruiting processes at universities transparent, merit-based, and free from interference from non-academic actors? Are promotions and tenure decisions based on merit or on other criteria? If the latter, which criteria?

Are student admission policies at universities transparent, merit-based, and free from interference from non-academic actors?

4.3 Freedom to Research and Teach

How free are scholars to choose and investigate their research questions?

Who sets ethical or other limitations on research?

How free are scholars to design their teaching curricula and to teach their courses?

⁵ For comparison, see Kirsten Roberts Lyer and Aaron Suba, “Closing Academic Space,” International Center for Not-for-Profit Law, 2019, <http://www.icnl.org/news/2019/Higher%20Ed%20Restrictions%20Report%20vf.pdf>; and Enora B. Pruvot and Thomas Estermann, “University Autonomy in Europe III: The Scorecard 2017,” European University Association, 2017, <https://eua.eu/downloads/publications/university%20autonomy%20in%20europa%20iii%20the%20scorecard%202017.pdf>.

Who determines curriculum standards or other limitations for teaching?

Does censorship (including official censorship or unofficial self-censorship) occur? If so, which topics are censored or avoided?

Do scholars refrain from examining certain research questions or teaching specific topics, theories, or evidence out of fear of professional or other retaliation? If so, please explain how this self-censorship is incentivized. How frequently do you estimate such self-censorship occurs?

What are the funding sources for academic research? Is the monetary distribution merit-based? Is there any difference or discrimination between research topics in terms of their funding eligibility?

Have individual academics or research areas been verbally attacked – on campus or in the public sphere – in a manner that extends beyond regular disagreement according to professional academic standards, with the aim to discredit, delegitimize, or hinder their academic work? Are any of those attacks related to broader tendencies that curb academic freedom, such as a hostility toward science in general and scientists in particular, or other ideological or religious restrictions on academia?

Have speakers who have been invited to universities been targeted by campaigning, mobilization, or verbal attacks aimed at averting or hampering their lecture or presentation?

Are there “speech codes” in place on campus? If so, how do they affect academic life?

Are students or faculty required to participate in mandatory courses following a certain ideology?

4.4 Exchange and Dissemination of Academic Knowledge

Do scholars and students have uncensored access to scientific literature and other research materials?

Are scholars free to meet and collaborate with other scholars, both nationally and internationally? Are there any restrictions (including restrictive permission procedures) in place that hinder scholars or students from traveling abroad, or that affect foreign visiting scholars or students?

Are there any incentives or funding opportunities for international academic exchange? Is access to those opportunities merit-based?

Are there any restrictions regarding the publication of research findings imposed from outside the academic community (for orientation, see the definitions of “non-academic actors” above)?

Are scholars free to disseminate their research findings to audiences outside the academic community?

4.5 Campus Integrity⁶

Are intelligence or security forces, including militias or other violent groups (such as violent mobs), present on campus? If so, what is their impact on academic life?

Are surveillance tools – such as CCTV, digital surveillance, student or other informants – present in higher education institutions? If so, what is their impact on academic life?

Are there targeted violent or verbal attacks against scholars, students, or universities that aim to disrupt academic life on

⁶ For comparison, see Article 14 of The Kampala Declaration on Intellectual Freedom and Social Responsibility (1990), adopted at the Symposium on Academic Freedom and Social Responsibility of Intellectuals, held in Kampala on November 29, 1990, <http://hrlibrary.umn.edu/africa/KAMDOK.htm>.

campus? To what extent are university authorities willing and able to protect regular academic life against such attacks?

Have any universities been (partly or fully) closed down for political reasons?

Are any other human rights violations occurring on campuses – for example (but not limited to), extra-legal detentions, disappearances, or suppression of the right to assembly? How do these violations impact academic life on campus?

4.6 Subnational and Disciplinary Variation

Please reflect and expand on important subnational, interdisciplinary, or status-based differences in the country's levels of academic freedom (some of which you may have already mentioned in previous sections), notably:

Are there regulatory requirements which are asymmetrically applied across different universities or disciplines? Are certain disciplines more affected by undue interference or self-censorship than others? Are some institutions less autonomous than others? Are some universities more tightly controlled or subject to surveillance than others?

Are such subnational differences linked to certain geographic determinants, particular events in the past, or the type of institution – including (but not limited to) the following different categories: private vs. public institutions; faith-based vs. non-denominational universities; ethnically segregated vs. inclusive universities; prestigious vs. less prestigious universities; research vs. non-research institutions; non-profit vs. for-profit institutions, etc.?

Are there differences between restrictive actors with regard to their targets as well as their motives for and means of limiting academic freedom (e.g., state actors or political groups in the social sciences, business actors in medicinal research, religious groups in philosophy or theology)?

Are scholars in tenured or senior positions more free from external interference in their research and teaching than those in fixed-term or junior positions?

4.7 Efforts to Promote Academic Freedom

Are there any initiatives to promote academic freedom? Are state agencies, science organizations, unions, or advocacy groups publicly active on the issue of academic freedom?

Are international efforts to promote or safeguard academic freedom by regional or international organizations supported by relevant state agencies or policymakers?

Are there any specific trainings or discussions for scholars or other groups, such as diplomats or administrative staff at universities or science organizations, on the issue?

Are universities hosting at-risk scholars from abroad, such as scholars who are also refugees, exiled, or otherwise displaced or dismissed from their home institutions or countries?

Is the government actively engaging with other countries to promote academic freedom elsewhere (e.g., through diplomatic interactions or sharing best practices)?

5. Conclusion (up to 500 words)

Provide some concluding remarks on the analysis to complete the study, reflecting on the overall situation and the predominant risks and opportunities. You may also try to offer an outlook on how the situation of academic freedom is likely to evolve in this country and what factors will likely impact this development in the foreseeable future.