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## Conclusions: Learning Lessons and Moving Forward

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# 10 Conclusions

## Learning Lessons and Moving Forward

*Kirsten Roberts Lyer, Ilyas Saliba,  
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The final chapter of this book considers the following question: *What can be done to protect the institutional autonomy of universities?* In particular, it makes three proposals based on the data and analysis undertaken in the previous chapters:

- 1 Clear standards on academic freedom, including the parameters of institutional autonomy as self-governance, and accompanying international oversight are essential.
- 2 International accreditation and rankings organizations should clearly account for the intellectual autonomy of the university. Excessive government control or interference should negatively influence rankings and accreditation, given its impact on the higher education system and scholarship.
- 3 Universities themselves must plan for threats through risk assessment and work to improve their resilience to undue interferences.

An extensive elaboration of these proposals is beyond the scope of this book. Nevertheless, the intention in this chapter is to propose a way forward that can be further developed in future scholarship and practice.

### 10.1 The Need for Stronger Standards on Autonomy, and International Oversight

The absence of an agreed international legal definition of academic freedom is problematic, as it means there is no benchmark against which to measure state behaviour. That academic freedom is grounded in different rights – education, expression, science, as discussed in [Part I](#) – means that when it is integrated into national law, states have broad scope to choose how it should be operationalized. Particularly where academic freedom is located in the right to education, it becomes subject to a very large degree of state discretion, and subject to state policy. For example, in Poland, an alarming example is the transformation of the public University of Szymona Szymonowica, which occurred without consultation with its leadership. The changed statute set the goal of ‘strengthening the Polish state and nation’ with a motto of *Deo et Patriae*, which suggests a complete undermining of the concept of institutional autonomy in favour of

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state policy. The Polish example also exemplifies thematic de-prioritization, particularly in instances concerning free research and the teaching of history.

Excessive interference in the functioning of universities, including how they are run and by whom, and how and what is taught, limits the academic freedom of the university community. As discussed in [Part I](#), proponents of wide-ranging levels of government discretion that may ultimately harm academic freedom can find a foothold in some of the current international instruments, which technically allow broad interference. Many of the present international standards that reference autonomy allow universities to be subordinated to national policies or priorities, and are thus highly problematic for academic freedom. International standards and agreements on academic freedom should explicitly limit government discretion to the absolute minimum, with clear priority being given to robust and democratic self-governance.

The permissible extent of government interference with universities arising from the current state of international human rights law on academic freedom is a challenge for those aiming to develop clear parameters for acceptable state intervention into institutional autonomy. Two challenges arise in particular. First, universities cannot be entirely separated from the legitimate purpose of oversight of state monies, or regulations placing the university within the national higher education framework. Second, as described in [Part I](#), higher education governance structures differ significantly around the world, based largely on national tradition. However, the examples in the case studies clearly show how this level of discretion is contributing to a failure to protect academic freedom. These two challenges are by no means insurmountable. Many independent state-based institutions, such as National Human Rights Institutions (NHRIs), find independence-appropriate means for the usage and oversight of state funds (see, e.g., Langtry and Lyer, 2021, Chapter 5.4). Further, baseline international standards can readily apply to national-level bodies across a broad range of legal systems and traditions. Such standards exist for the judiciary, police, prison services, and NHRIs, among many others. There is no reason to believe that universities are so unique as to their complexity that international standards could not also be elaborated for them. Indeed, there are plenty of examples of comparative scoring of universities in spite of very different national systems (e.g., European University Association, discussed in [Chapter 2](#) in this book). Elaborating clear standards at the international (UN) level on academic freedom, and institutional autonomy as a component, will provide a normative, legal basis against which interference can be assessed.

Another rationale supporting the elaboration of international standards on academic freedom is illustrated by the case studies, which document the co-optation of ‘academic freedom’ for political ends. This particularly highlights the problems arising when placing academic freedom within restrictions of ‘societal and political objectives’ (Council of Europe, 2006). Proposals (at time of writing) in Poland ‘focus on conceptualizing academic freedom within the framework of identity politics that aim to establish a hegemony of national-conservative and Christian (Catholic) values’. Such conceptualization appears

to fall within permissible state discretion. Related to this, the Polish case study highlights a concerning trend in the establishment of ‘parallel organizations’ to mirror existing academic structures, but with government-supported viewpoints (see [Section 7.4.5](#) on campus integrity in the Poland chapter in this book).

On the basis of the case studies, and the authors’ broader research on this topic, it is apparent that a number of fundamental parameters must be taken into account in any such standards. First, the standards must be based on the right to science. This sets a wider normative and legal basis for the purpose of both academic freedom and universities. Second, standards must include the central parameters of institutional autonomy. This should be based on a renewed understanding of self-governance that, rather than being limited, is robust. Autonomy in the context of academic freedom requires that academic institutions uphold the academic freedom of their community, and the state upholds the right to science of the broader community. Third, the scope of state interference in institutional autonomy must be clearly defined and limited in any standards. In this regard, the 1993 UN Paris Principles, as elaborated in the peer-review process for assessing NHRIs, can provide a useful basis for what this can look like in practice (see Langtry and Lyer, 2021, [Chapters 3–5](#) in particular). The Paris Principles, adopted by the UN in a General Assembly Resolution, detail the mandate, structure, and purpose of NHRIs. NHRIs are then assessed for their compliance with the principles through a peer-review mechanism, which ‘grades’ them. Since 2006, this peer-review mechanism has produced detailed guidelines on the operation of NHRIs as independent, state-based institutions, including in areas of relevance for universities, such as independent selection and appointment of leadership, staffing, and autonomy in finances and funding.

The absence of clear standards on academic freedom and university autonomy as a component of that freedom, impacts the ability of international organizations to respond to threats against universities and academics. The elaboration of such standards, along the lines suggested, could significantly improve this situation. International standards developed within an international organization, such as the UN, can provide legitimacy and an authoritative baseline. However, in light of the risk of co-optation by the presence of authoritarian governments in such bodies, the monitoring of the implementation of the principles should be undertaken by a peer-review or expert body, with connections into the international system, as is done for NHRIs.

## **10.2 Reflecting State Control in International Accreditation and Rankings**

University rankings, as well as accreditors of study programmes, are well-positioned to make a difference with regard to university autonomy. They assess university performance and study programmes. They can – and do – thereby create powerful incentives for university administrators and higher education policymakers to adjust their policies to achieve good ranking placements or accreditation results, central to the academic reputation economy (Kinzelbach

et al., 2021, p. 12). International accreditation and ranking organizations should thus include measures of academic freedom and university autonomy in their assessments. Such a normative shift has the potential to transform the academic reputation economy into a system of quality assurance that promotes the principles of academic freedom and university autonomy instead of turning a blind eye to both.

Accordingly, excessive government interference should negatively influence university rankings and accreditation processes, given their importance for higher education systems and scholarship. As Kinzelbach et al., put it, ‘In an era of internationalized scholarship and autocratization, [...] a new and free discussion is needed of the notions of academic excellence and reputation’ (Kinzelbach et al., 2021, p. 15). The powerful incentives created by the academic reputation economy must be utilized to promote and protect university autonomy and academic freedom. The freely available Academic Freedom Index (AFI) data means that ranking and accreditation organizations now have a tool that provides an independent and scientifically rigorous assessment of the situation of academic freedom, including a component measure of university autonomy, in nearly all countries around the globe. By adjusting scores for university rankings and accreditation procedures, the AFI data – possibly in combination with events-based information on academic freedom violations (e.g., Scholars at Risk n.d.) – should adequately reflect the importance of academic freedom and university autonomy for the pursuit of truth and the right to science.

Since the university ranking business is dominated by for-profit organizations that are independent of political regulation, governments or international organizations have little leverage to pressure them into including academic freedom as a criterium of academic excellence. Instead, it is rather NGOs, scholars, universities, and research funders that can play a central role in pushing ranking organizations to recognize the importance of academic freedom for academic excellence (Gadd, 2020; Kinzelbach et al., 2021, pp. 7–8). Accreditation agencies, in turn, typically operate within the regulatory framework of governments that task them to assess the quality of higher education institutions (HEIs) and study programmes, serving as an independent mechanism for quality assurance. Governments are thus in a position to request that accreditation agencies include academic freedom and university autonomy in their assessments by changing regulatory frameworks accordingly (Popović, 2022, p. 35). Similarly, to the academic reputation economy governed by university excellence rankings, negative assessments by quality assurance agencies can lead to considerable reputational – and material – damage for universities that are not autonomous and do not respect academic freedom. The inclusion of relevant criteria on academic freedom can therefore alter the incentives for higher education policymakers and university leaders to respect and strengthen institutional autonomy, rather than neglecting or even undermining it. Given the negative impact government interference has on the higher education system and scholarship, international accreditation agencies and university ranking organizations should recognize their responsibility for academic freedom, and account for the intellectual

and functional autonomy of universities in their assessments. As argued by Kinzelbach et al. (2021), when attesting or measuring quality standards and the reputation or ‘excellence’ of universities, academic freedom should thus be part and parcel of such evaluations.

### 10.3 Threats and Resilience: A Roadmap for Universities<sup>1</sup>

Universities are vital democratic structures. As the analysis in the previous chapter has underscored, the growth of autocracies and decline of the rule of law has seen increased pressure on academic freedom in many places, often from threats directed at HEIs. A threat to a university is an intentional, organized effort to diminish or eradicate the capacity of a university to freely search for truth. Threats may arise from direct attacks or from a general hostile national environment. However, the absence of internationally agreed-upon normative standards on the scope of university autonomy also makes it difficult to develop a clear definition of what exactly constitutes a threat. This section refers primarily to threats from the state (or facilitated by the state), while recognizing that threats may come from a wider variety of sources.

Examining the eight case studies used in the analysis for this part of the book, as well as reports from Scholars At Risk (e.g., Academic Freedom Monitor, n.d.), Roberts Lyer and Suba (2019), and the UN Special Rapporteur for Freedom of Opinion and Expression (Kaye, 2020), the following types of threats that universities and their academic communities have faced can be identified:

- Interference with leadership: primarily placing government or government-selected candidates on the board;
- Interference in internal structures such as academic departments: government-appointed deans/heads of department, changes or restrictions on faculty and staffing resources and appointments;
- Budget cuts or other changes to financial conditions of the whole university;
- Undue interference with research funding, research topics, and publications;
- Restrictions on academic engagement, like joint funding/projects or international exchange; and on free expression within academia, including restrictions on academic programmes, curricula, and teaching;
- Restrictions on students: admissions, interference with grades/scholarships, or free expression;
- Undermining overall academic legitimacy: creating a hostile national environment, resulting in self-censorship; campus securitization; defamation or other spurious lawsuits.

These threats may create both immediate problems and long-term risks for universities in their ability to uphold academic freedom. The impact of these threats on universities can differ, depending on the structure of the university and how it is governed. Some universities may already have limited self-governance

because of the nature of the university model in the country (see [Chapter 2](#)). For example, state-centred universities that are already subject to extensive controls may not experience some of the above as a ‘threat’ but as part of their normalized reality.

The threats listed above are not unlike threats faced by other state-based institutions, such as ombudspersons and national human rights commissions. There is a large body of international standards and practice-based ‘jurisprudence’ to support central aspects of institutional independence in the case of those institutions (see Langtry and Lyster, 2021). Much of that learning can be applied to universities. However, those institutions benefit significantly from a benchmark of clearly elaborated international standards, rather than the comparatively vague pronouncements on ‘academic freedom’ and autonomy in existing international standards that relate to HEIs.

Responding to threats as an institution requires resilience. Resilience is the ability of an organization to absorb pressure and adapt to a changing environment and is commonly described in the literature as the capacity of an organization to ‘bounce back’ (Fisher, 2017, p. 219) after a shock. For organizations that face potential threats, including HEIs, resilience should be a strategic goal, part of good practice and effective management of risks (e.g., OECD, 2014; Smith and Fischbacher, 2009). The concept of resilience can help to inform how universities can be strengthened to resist attacks against them, such as undue interference in their right to self-governance, particularly when those attacks come from the government.

All universities should understand the risk that threats to their autonomy pose to their ability to uphold academic freedom and the right to science, and should have a clear plan that includes resilience planning and threat response. A major caveat here is that this approach is only relevant in situations when the state has not already largely co-opted higher education. Thus, for some of the cases described in this book, such proposals may come too late. However, the case studies have also shown that there can be significant variation between institutions in the same country, so that even when the overall situation is precarious, it may not yet be too late for some universities to preserve their autonomy.

While there are multiple potential approaches, the next sections briefly outline two steps that universities can take to protect their institutional autonomy. First, resilience planning to enhance the long-term resilience of the institution against threats to institutional autonomy should be a standard part of university strategy plans (or similar documents). Second, risk management provides universities with the tools to identify and respond to threats when they arise and should be a continuing practice.

### *10.3.1 Resilience Planning*

As the threats listed above illustrate, universities have certain inherent vulnerabilities, particularly in relation to their legislative basis, their resources, and the extent of government discretion in regulating university governance and

higher education. Independent universities are also likely to be threatened as part of a broader reduction of democratic quality and the rule of law in a country. It is therefore important that as a part of their commitment to academic freedom, universities recognize their vulnerabilities before threats arise, and plan to strengthen the resilience of their institutions.

Universities must build resilience around the central pillar of the right to science; that is, they must be clear that their fundamental mission is the search for truth, with an ultimate goal of improving society for all through scientific progress and discovery (see [Chapter 2](#)). Practically, this means that universities should ensure that all strands of their operations – research, teaching, service – work towards this goal.

Key factors to strengthen university resilience as autonomous institutions in the long term are: Legislative basis; Building alliances and communication; Financial resources; Institutional morale; and Leadership.

**Legislative basis:** Where possible, universities should strive for the improvement of the national legislative basis for all HEIs. Legislative provisions must be based on academic freedom, grounded in the right to science, with institutional autonomy clearly defined within the parameters of robust self-governance, and there should be clear constitutional and regulatory protections for academic freedom. Universities should resist attempts at over-regulation and government interference on the basis that this interferes with the right to science. The right to education at the higher education level should be based on human rights, per international standards on the right to education, and there needs to be recognition that ‘patriotic’ education or other political requirements in relation to the content of higher education are incompatible with those standards. Legislation must also specify that universities have the power to select and appoint their own staff, using merit-based criteria on the basis of the needs of the university itself.

**Building alliances and communication:** Alliances can be critical in times of threat. Universities should invest time and effort in building alliances at the national level that support academic freedom-based autonomy, for example, with each other, and with parliaments, human rights bodies, civil society, and the media. Universities should be active in the communication of the scientific progress they are creating and the benefits for the wider community. Communications departments should assist scholars in outreach regarding their research and in making its importance understandable to non-specialists so the societal value of university-based and independent scholarly research can be understood.

**Financial resources:** Universities should strive for efficiency, but also seek sufficient funds from the state and be prepared to defend why they are needed. In particular, they must defend the role of research as essential for the search for truth. Scholars must be given time and space for such research, and suggestions that research ‘wastes resources’ must be robustly



refuted. The university itself should have proper internal checks and balances to ensure the merit of research, but this should be done *within the university community* and not by external ideologically guided regulation. Further, universities must ensure robust internal financial oversight and be transparent in their expenditures in order to defend charges of waste. Universities should further be firm in resisting efforts to undermine funding by states based on measures such as increases in academic-student ratios, which can both overwhelm scholars and reduce the quality of the education provided.

**Institutional Culture and Morale:** Robust codes of conduct, as well as transparent and sufficiently-resourced complaint-handling mechanisms – including for all forms of discrimination and harassment, also coming from outside the university and directed at its academic staff – are essential to ensure a positive institutional culture and good morale. Universities should ensure staff are properly remunerated and recognized for their work and commitment, and that they understand their role in upholding the right to science. Robust internal communications and a policy of openness and transparency also contribute to a positive culture. Tenure for scholars should be encouraged, and precarious contracts avoided. A **specific gender focus** is required, recognizing the different impacts on women in academia, seen globally in the low rates of women in academic leadership. The sexist environment of many HEIs restricts women’s ability to freely choose their areas of focus for their research and teaching. While academic freedom is rarely examined through a gender focus, there is concern for the academic freedom of female academics as a result of pay inequality, reduced opportunities for promotions and appointments to more senior positions, as well as systematic experiences of harassment and discrimination. Minority faculty face similar issues.

**Leadership:** Leadership of universities is critical. It is the integrity of leadership that sets standards by example. The process of selecting and appointing leadership must remain firmly within the hands of the university community, who should select leaders using an inclusive and participatory approach. Universities should aim to set this requirement in legislation, as well as clear and publicly stated and accessible internal policies. Leadership training for faculty to ensure that they have the skills and abilities needed can also significantly improve governance (see Norman, 2019). Leadership must be expressly committed to upholding the right to science, including through combatting undue interference in autonomy. Building resilience itself also requires specific competences of staff and leadership. Training in crisis response and management should thus be a core requirement for university leadership.

The role of universities in upholding academic freedom is essential, and must be actively approached by academia. As Hasan and Ahasan put it in the Bangladesh case study in this book, ‘the failure by university authorities to

properly self-regulate also invites interference'. Overall, robust, right-to-science based resilience planning can help universities frame important aspects such as resources, leadership, and institutional culture around the right to science, with academic freedom as a crucial guiding light.

### *10.3.2 Risk Assessment and Threat Response*

Universities should be prepared for how they will respond when academic freedom, and particularly their institutional autonomy, is threatened. This requires not only resilience, but also regular risk assessments, routine monitoring, and a threat response plan.

Universities should regularly undertake **risk assessments focussed on academic freedom**, taking into account the threats listed above, their specific national environment, as well as their respective international partnerships (Baykal and Benner, 2020). An analysis of potential threats should identify specific risks to the institution. A risk in this sense is the likely impact of a threat. For example, if the threat is to the finances of the university, then the risk is to its continued operation at the same level of research and teaching. Risks should then be examined, and a risk management plan created. The plan should identify the likelihood of the risk, and the potential impact on the university.

As part of ongoing risk assessment, universities should **routinely monitor their national environment for potential threats to the right to science**. This can include changes in government or policy regarding universities or higher education, anti-academic rhetoric, and reform proposals, particularly when motivated by political ideologies hostile to academia or the freedom of science. Early warning signs of a threat will assist the university's ability to know when a specific threat will need to be addressed.

As part of risk planning, universities should create a **threat response plan**. Once a threat to academic freedom is identified, a previously designated crisis management team should operationalize, include senior leadership and relevant key representatives from within the university – this may need to be tailored depending on the nature of the threat. A communications plan, internal and external, should be part of any threat response. Further, the university leadership should have thought through how it will respond to likely threats and who will have to be included in crucial and time-sensitive decisions to avoid such considerations being made for the first time during a time of heightened stress.

Risks to academic freedom should be a central aspect of risk planning and management. In the face of any threat, the university should prioritize the safety and security of the community of academics, staff, and students. The functioning of the institution should be the next priority. Support should be sought from both national and international partners and allied civil society organizations when required, based on criteria defined in the threat response plan.

An academic freedom-focussed risk assessment and threat response plan not only signals the importance of this right and the university's commitment to it

but can actively assist the university in upholding academic freedom, even in the face of threats.

## 10.4 Final Remarks and Future Research Directions

The data from the AFI shows that university autonomy is in decline in many countries around the world. The five case studies from Bangladesh, India, Mozambique, Poland, and Turkey show institutions under threat and starkly illustrate the real risks to academic freedom from excessive state interference in university autonomy.

The analysis of the data on the current situation of university autonomy around the world and the evidence from the case studies support our three hypotheses. First, that severe decline in university autonomy is usually the result of a broader trend of autocratization in a country. Second, that excessive government interference or threats to university autonomy focuses on governance, particularly on who leads the institution, and can manifest in excessive state regulation, substituting government control for academic self-governance. Third, attacking university autonomy is an effective way to undermine academic freedom, but there is no one linear sequence visible in which this occurs, and targeting university autonomy is by no means the only way to undermine academic freedom.

Identifying where a state may have ‘violated’ university autonomy is challenging for a number of reasons. Despite the importance of normative standards, no clear, agreed, international definition of academic freedom and university autonomy exists. Furthermore, the purpose of universities themselves is not universally agreed. And an additional complicating factor is the extent of permissible discretion under existing standards in how the state manages and regulates its HEIs.

The proposals in the final chapter of this book are derived from the data and analysis, and indicate that recognition of academic freedom as a standalone right, incorporating a clear definition of academic freedom, with university autonomy as a component, is essential to ensure a robust normative basis for HEIs around the world.

The findings in this book have important implications for policymakers, university leaders, and other stakeholders. In particular, policymakers need to take urgent action to address the decline in democracy and the rule of law, which is undermining university autonomy. University leaders need to be more proactive in defending autonomy, and other stakeholders from civil society and international organizations need to support them in this effort, especially in the context of general democratic erosion.

Higher education institutions must have academic freedom – based on the right to science and the search for truth – at the heart of their mission and practice. Academic freedom must also be taken into account in university rankings and accreditation mechanisms. The myriad problems thrown up by interference in academic freedom demonstrated in the case studies point to the urgency of

this issue. Interference in university autonomy undermines the search for truth and is a violation of the right to science. Politicization of higher education twists and distorts curiosity-driven, knowledge-seeking research and teaching, and brings ideology and political preference into classrooms that should be focused on scientific inquiries for the greater societal good.

UN treaty bodies should engage more robustly on this issue. In particular, the Committee on Economic, Social and Cultural Rights (CESCR) should include monitoring of higher education legislation and practice as a specific line in its reviews under the International Covenant on Economic, Social and Cultural Rights (right to science). This encouragement should extend to stakeholders who provide shadow reports to the treaty bodies, including National Human Rights Institutions and Non-Governmental Organizations. Standard-setting by the Human Rights Council, UNESCO, and other UN bodies in this area will also be critical.

Universities themselves must uphold the academic freedom of their academic community. Universities as institutions are not the holders of any right to academic freedom or to science. It is the community of academics that is entitled to academic freedom and the whole of society that holds the right to science. Risk assessment, resilience planning, and threat analysis as part of universities ongoing business planning and strategic management are essential to monitor threats to the autonomy of the institution and academic freedom.

Finally, there are many potential future research paths that may arise from this book. In particular, future studies can use validity testing approaches and add additional case studies on different countries to further test and add to the three hypotheses developed in this book. Of further importance is examining autonomy decline caused by non-state actors. This book has focused on major autonomy decline as a result of undue state interference. Future research should thus consider situations in which the threat to university autonomy arises, for instance, from excessive market orientation and internalized managerialism, rather than from politically motivated state interference. Identifying the often-subtler impact of marketization and business interests, and how HEIs can maintain their academic freedom in this context, will be a particular challenge. However, the importance of this aspect was already emphasized by various country cases studied here and is likely to emerge even more clearly in other contexts. In shifting the very idea of a university from one that is engaged in the search for truth, to one that primarily exists to provide a workforce and applicable research for the market economy, such trends can have severe consequences for academic freedom and thus warrant further attention.

## Note

- 1 This section benefits from the work of Kirsten Roberts Lyer for the Organization for Security and Cooperation in Europe's Office of Democratic Institutions and Human Rights in developing two reports on resilience of and threats against National Human Rights Institutions, (ODIHR, September 2022).

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