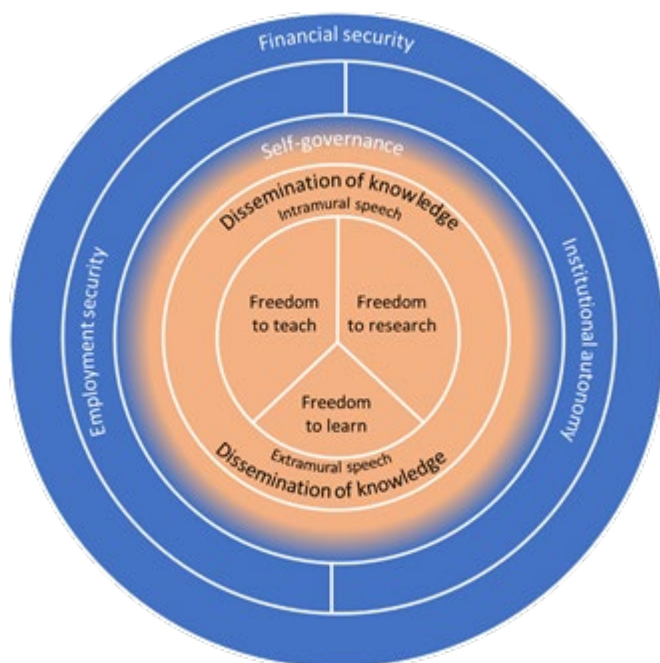European Parliament

How academic freedom is monitored
Overview of methods and procedures

In recent years, there has been renewed interest in the true degree of academic freedom around the world, despite international declarations, and constitutional and legal protections. This EPRS study seeks to support the European Parliament's STOA Panel in developing a procedure to monitor changes in academic freedom in the EU Member States. It offers an overview of academic freedom as defined in different international declarations, and makes a critical assessment of existing evaluation and monitoring methods and procedures.

Higher education serves societies in many ways. It prepares students for life as active citizens in a democratic society and for their future careers. It enables students to develop personally and stimulates research and innovation. Higher education is therefore vital for sustaining the continuous development and well-being of society. It is also crucial when it comes to achieving the United Nations (UN) Sustainable Development Goals and addressing the challenges facing humanity. To achieve these goals and rise to these challenges, academics need a high degree of freedom and they should use it responsibly.

The last decade, however, has shown that the European Union has not been fully capable of protecting academic freedom, and concerns have been raised in many EU Member States about its condition.

Figure 1 – The onion model: Essential (orange) and supportive (blue) elements of academic freedom

Source: G. Kováts and Z. Rónay, How academic freedom is monitored, EPRS, European Parliament.

Academic freedom is recognised as a **fundamental European value** in the EU Charter of Fundamental Rights, which states that, 'The arts and scientific research shall be free of constraint. Academic freedom shall be respected'. It is also understood to be a basic value in several policy initiatives, such as the Bologna Process, the European Universities initiative, and Erasmus+. However, academic freedom is rarely mentioned in other legally binding international conventions. The level of detail in the definition of academic freedom also varies widely between national regulations. This would suggest a need to clarify the **definition and content of academic freedom** so as to reach a shared understanding and more precise legislation.

Academic freedom consists of several elements that can be illustrated by the 'onion' model (See Figure 1). The EPRS study distinguished **essential elements** (orange) from **supporting elements** (safeguards, blue) in the model.

The essential elements form the core of academic freedom. A violation of these elements leads to a violation of academic

freedom. The essential elements include **freedom of teaching** and **freedom of research**, and, in the broader sense, **freedom of learning**. **Freedom of dissemination** is often portrayed as being part of the freedom of teaching and research, but the study treats it as a separate essential element. Many believe that these freedoms can only be exercised if members of the academic community have a meaningful say in decisions affecting teaching and research conditions. Therefore the **right of self-governance** (which is not the same as its institutional autonomy) is often also seen as an essential element.

Academic freedom brings not only benefits but also **responsibilities**. A lack of academic integrity and cases of corruption and cronyism within academic institutions (especially in the selection of academic or administrative staff) can undermine academic freedom and weaken the academic profession in general.

Academic freedom assessment methods

A large number of organisations are involved in promoting and monitoring academic freedom. Although several measurement and evaluation procedures exist, different procedures use different methods and focus on different elements of academic freedom; or they examine academic freedom as part of a broader issue (usually human rights).

There is currently **no assessment method or procedure that systematically and specifically examines the situation of academic freedom** in the EU Member States in greater depth. Both the European Higher Education Area (EHEA) and the European Commission have plans to strengthen and monitor academic freedom in the future. To conclude, there is both **room and an opportunity to develop a new academic freedom monitoring tool** focusing on EU Member States.

Policy option 1: Strengthening the binding legal definition of academic freedom

The protection of academic freedom could be enhanced by including a detailed definition of academic freedom in EU-level regulations binding on the Member States, such as the EU Charter of Fundamental Rights, which does not describe the content of academic freedom and leaves its interpretation to the Member States. The Treaty on the Functioning of the European Union (TFEU) could also be amended to include and define academic freedom. It is a matter for further discussion whether such regulation should include a broad or a narrow interpretation of academic freedom.

Policy option 2: Increasing synergies between the EHEA, the European education area and the European research area, by joining or promoting existing monitoring methods or developing an independent monitoring mechanism

Growing synergies in this way has the advantage of pooling intellectual and financial resources. In addition, a much greater impact can be achieved through coordinated action. Harmonising interests in a larger community of states requires more effort and determination, however. Running an independent monitoring system, in the long run, would also require expertise and financial and administrative resources. One possible way to generate synergies would be to build academic freedom into institutional quality assurance procedures.

Policy option 3: Developing an independent academic freedom monitoring procedure

The study considers two possible methodological directions feasible: expert-assessment-based and self-assessment-based procedures. Both could focus on the elements of the onion model. The analysis should also reflect on supportive elements, that is, the status of institutional autonomy and employment conditions and the legal protection of academic freedom. It is also worth paying attention to the obligations stemming from academic freedom.

The frequency of the monitoring process is also worth considering. How often does academic freedom change to the degree worth reflecting on in the report? What resources would be needed to produce the reports?

Despite the heavy workload, the study believes that a regular annual assessment would be the most feasible and sensible option, because there are more difficulties and risks associated with risk-based assessment or less frequent assessment.

a. Meta-evaluation by experts

This approach would involve a narrative description of recent developments in academic freedom, using clear criteria and scoring on a scale. It would require a small, full-time, in-house coordinating team and the involvement of country experts. In addition, to have an expert opinion and scoring, this option could integrate other data-collection instruments to counterbalance the possible bias of experts, such as country-level representative surveys among academics, shadow reports by stakeholder organisations, and legal framework analysis.

The advantage of this approach is that it would provide a comprehensive picture of academic freedom, and could be flexibly extended by involving new instruments according to needs and resources.

This option would require strong involvement of academic stakeholders in the design of the monitoring process (see policy option 4). Their involvement would increase the visibility, recognition and acceptance of the monitoring process leading to a more significant impact.

b. Self-assessment procedure similar to the approach taken for the UN's Universal Periodic Review of Human Rights

Each country's government would prepare a self-assessment of academic freedom based on pre-defined guidelines and criteria, to which any stakeholder organisation could attach a shadow report. At a hearing organised by the European Parliament, each country's situation would be discussed on the basis of the self-assessment and the shadow reports.

Self-assessment, together with voluntary stakeholder reports, can give a relatively complete picture of the situation in a country. However, as the hearing would be based essentially on the self-assessment, it could overshadow stakeholder opinions. The report could be biased or manipulative. To counterbalance this distortion, it would be imperative to put an emphasis on stakeholder reports in the process.

c. Self-assessment report followed by a visiting committee, like a quality accreditation process

This is a process in which each country's government or its designated authority/stakeholder organisation would carry out a self-assessment according to a guide, to which other relevant stakeholders could add their own views. Each country would be visited by a visiting committee, which would be briefed on the situation of academic freedom in interviews and panel discussions. The committee would prepare an evaluation report based on the self-assessment and the experience of the visit. That report would then be adopted and published by the relevant European Parliament committee.

This approach would be resource intensive, especially if the visits occurred annually. It is also unclear what would motivate governments (authorities) to follow the guidelines and carry out self-assessments. This approach again raises the problem of protecting stakeholders from external (governmental) pressures.

d. Self-evaluation by a representative academic stakeholder organisation, along the lines of the European University Association Autonomy Scorecard report

In each country, an academic representative stakeholder organisation (e.g. a university association or a teachers' union) would carry out a self-evaluation using a structured questionnaire. This would be followed by clarifying follow-up interviews where necessary. Based on these results, a small team of experts would prepare a detailed country report for each country.

The advantage of this procedure is that the results would be relatively comparable and detailed. The disadvantage is that it would require a team of experts and a resource-intensive process to ensure validity. The team would have to develop the questionnaire, which might be challenging. The stakeholder organisation filling in the questionnaire could easily come under pressure in the country, distorting self-assessment. While the official (*de jure*) situation would be easier to assess in this way, the stakeholder organisation may not give a complete (or unbiased) picture of the actual (*de facto*) situation.

e. Complex (combined) approach

This process consists of three mechanisms:

- Each government would report annually by completing a well-structured questionnaire. The questionnaire could be filled in by other pre-approved stakeholder organisations so that several perspectives on the development of academic freedom in a given year would be available.
- Every 4 or 5 years, each government would produce a self-evaluation report. The academic freedom report would be prepared by an expert visiting committee based on the self-evaluation and the experience gained during the visit.
- An exceptional (complaints) procedure would also be available when an EU authority received a complaint from a Member State about a violation of academic freedom.

f. Institution-level assessment of academic freedom: An accreditation approach

Here the assessment would be carried out at institutional level rather than national level, and would be based on institutional accreditation procedures, whereby quality assurance agencies assess institutions against European standards and guidelines. The EHEA-Bologna follow-up Fundamental Values Working Group has suggested that this procedure could be extended to include an assessment of academic freedom. Although institutional-level assessments cannot be automatically aggregated to national level, they would provide a good empirical basis for a national-level report.

Policy option 4: Increased stakeholder involvement in developing a specific monitoring procedure

The study suggests that the new monitoring process for academic freedom should be developed with the intensive involvement of academic stakeholders, and recommends that the European Parliament should create forums for cooperation with academic actors, experts and policymakers and establish an operational framework for the development process. This could also be part of Parliament's cooperation with the EHEA, the EEA and the ERA.

Policy option 5: Developing and disseminating procedures and methods to strengthen academic integrity

Academic freedom brings not only benefits but also responsibilities. It is therefore particularly important to strengthen academic integrity, because its absence can undermine both trust in the academic profession and academic freedom. While strengthening integrity should be primarily the responsibility of the academic community, the European Parliament can promote this discourse. Efforts to strengthen academic freedom provide a good opportunity to focus on the issue of academic integrity as well.

This document is based on the STOA study 'How academic freedom is monitored? Overview of methods and procedures'. The study was written by Gergely Kováts (Corvinus University of Budapest, Hungary) and Zoltán Rónay (Eötvös Lorand University, Budapest, Hungary) at the request of the Panel for the Future of Science and Technology (STOA), and managed by the Scientific Foresight Unit, within the Directorate General for Parliamentary Research Services (EPRS), European Parliament. STOA administrator responsible: Eszter Fay.

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