ACADEMIC FREEDOM UNDER THREAT: WHAT CAN UCU DO?

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This USSbrief is an analysis of how UCU can act in defence of academic freedom in universities as it is increasingly threatened by state intervention, marketisation, and institutional cultures of managerialism, and ‘brand management’.

1. Where we are: Academic freedom under attack

In January 2019, UCU lodged a complaint with UNESCO concerning the deterioration of academic freedom in UK universities. In 1997, UNESCO published a recommendation which codified academic freedom in detail, and to which a number of UK university academic freedom policies make reference. Significantly however, some of these policies specifically exclude the sections of the UNESCO recommendation which outline that in order to exercise academic freedom meaningfully, academics must have (a) the right to publicly criticise their own institution without fear of sanction, and (b) the right to participate fully in the governance of their institution. The exclusion of these elements, along with the abolition of tenure in 1988, has the effect of severely circumscribing the possibility of academic freedom in the UK, which is in a parlous state as Terence Karran and Lucy Mallinson (University of Lincoln) have noted.

As Mike Finn has shown, the 2018 USS strike highlighted how far this idea of academic freedom had been eroded in practice as well as principle, with many academics and academic-related staff in a range of institutions summoned before various forms of disciplinary process for negative comments about their institution on social media. In one instance, an essay on the strike published on The Conversation website by two academics based at a Russell Group university was censored post-publication at the behest of that institution’s communications team. Universities fund The Conversation as a promotional platform for research: the incident in question highlighted the extent to which this relationship could be used to limit academics’ right to free expression. Central to the issues arising from social media and The Conversation episode are the impact of marketisation, which has led to intensive brand management and social media surveillance by university management teams on the one hand, and a greater centralisation of authority within institutions on the other (#USSbriefs15).

The complaint made by UCU in January 2019 was the result of sterling work by the union’s education committee (a sub-committee of the National Executive Committee), but went largely unnoticed, listed as the last item on an email to members in March. There was no press coverage. This reflects a fundamental tension in the union on the question of academic freedom. While members, activists and reps in the HE sector have a fundamental concern with it, for many of the full-time officials and staff at UCU it is a mysterious and unfamiliar concept. It does not immediately fit into the policy landscape of trade union officials — who may also have worked for other unions in other sectors.
where such a concept does not exist — more familiar with the language of standard ‘claims’ on pay and terms and conditions.

This had significant implications in 2018, as UCU officials struggled with the flurry of ad-hoc disciplinary processes convened in relation to criticism of higher education institutions on social media. Many UCU officials lack direct experience of academic and academic-related matters more broadly, which raises problems when such officials are called upon to approve policy documents negotiated between union branches and universities. This has led to a range of divergent policies on academic freedom and social media usage across universities, leaving academics and academic-related staff in different institutions operating on different playing fields and without a common understanding of what academic freedom means in practice.

Other circumscriptions on academic freedom, notably the Prevent agenda, have been contested by UCU, to no effect. Here, legal advice vitiated the power of motions passed by Congress to boycott the duty. As in other areas of trade union activity in the UK, a highly restrictive legal framework does pose major challenges for unions. However, the union nationally has yet to demonstrate an imaginative approach to Prevent which might frustrate aspects of its enforcement — such as its inclusion in probationary procedures or in university governance structures. The recent appointment of a Prevent regional coordinator to a major Russell Group university’s governing body can, and should, be a focus for union resistance.

2. Where we could go: training of UCU officials

UCU officials work hard for their members and bring a wealth of insight and experience in industrial relations which is of real value to the union. However, too many are largely ignorant of, and lacking in, first-hand experience in higher education and its specifics as a sector. UCU can, and should, reorganise and redevelop its internal continuing professional development (CPD) offering to provide its officials with greater awareness of the centrality of questions of academic freedom and broader academic values in the lived experience of members of staff in HE.

Such a programme would have two principal benefits. Firstly, it would enable UCU officials to better advise members and to recognise more clearly the centrality of academic freedom in members’ concerns. Secondly, it would also enable UCU to be better at making the case for an idea of the university. Since its formation in 2006, UCU has primarily been a reactive organisation in this area, seeking not to play a role in defining the meaning of higher education, but instead accommodating itself to changing realities — preferring to fight on the terrain of terms and conditions understood primarily in terms of pay. Given that, since 2007, UCU has not been led by a member of the union with experience working in the education sector, this is perhaps unsurprising. However, as Cas Mudde has recently noted in relation to social democracy, the grip of neoliberal norms in contemporary political culture is now so strong that alternatives have to be
argued for at the level of values. In short, in order to defend academic freedom, UCU has to get better at advocating for academic values more broadly and making a positive case for an idea of the university.

This effort should be led by the union’s members, but a comprehensive reorientation of perspective towards the issue of academic values on the part of the union’s permanent staff will be a key factor in its prospects of success.

3. The final frontier: a Concordat on academic freedom for all university staff

Mike Finn recently called for a ‘new concordat’ between universities and the state to secure academic freedom in an increasingly unstable political culture. This proposal argued that academics and academic-related staff — rather than vice-chancellors, who are now divorced from their academic colleagues and who are often culpable in restricting academic freedom — should draft a Concordat which would define the future state-university relationship in terms of academic freedom.

UCU represents the major representative organisation for academics and academic-related staff in the UK. It has the resources and reach to facilitate the discussion of a new Concordat, in concert with other bodies such as the Council for the Defence of British Universities (CDBU). What that Concordat might ultimately look like, and what it might include, are clearly topics open for discussion and deliberation — that is the point. But such a Concordat could draw on existing union policy in relation to Prevent and other areas. For example, it would seem probable that any such Concordat could contain an undertaking by both universities and the state to prohibit the participation of officials involved in counter-terrorism and security initiatives in individual institutions’ governing bodies.

Such a Concordat could, and should, also form the basis for a more inclusive definition of academic freedom than the UNESCO recommendation allows. Academic-related staff, as well as those engaged on academic contracts, also need to be able to exercise academic freedom if universities are to be able to function effectively as critical institutions and communities of learning. They too must be afforded latitude to criticise their own institutions, including in public, if such institutions are to able themselves to learn and develop rather than ossify into managerialist hierarchies. The need for academic freedom for academic-related staff is essential if they are to exercise full citizenship in the university as a community. Given that the mission of universities is the advancement and dissemination of knowledge in the broadest sense, no university should have anything to fear from criticism by any member of its staff. Such an extension of academic freedom is not only morally vital, but essential to effective and harmonious working relationships in a complex and unique form of organisation.
The above are only indicative examples. At root, such a Concordat would assert the autonomy of institutions and the personal rights of academics and academic-related within those institutions. As such the challenges it would face would be significant. But they are challenges worth facing.

**Conclusion: Making the case for academic freedom**

UCU needs a cultural shift to make the case effectively for academic freedom and the critical public university. The UNESCO complaint in January was a welcome development, following as it did from the [Karran and Mallinson report](#) on academic freedom commissioned by the union in 2017. However, the union needs to work harder to disseminate such work and to build on it; academic freedom needs to be treated both as central to the union’s approach to higher education policy, but also as integral to a wider idea of the university which address the broader pernicious impact of marketisation. For example, to speak of academic freedom being restricted without tenure is one thing, to speak of meaningful academic freedom at all for colleagues trapped in a cycle of precarious employment is another — and the union needs to ensure that it advocates for an inclusive idea of the university with academic values at its core at all points and on all issues. Changing the culture of the union bureaucracy is achievable and will make a difference. Supporting the development of a Concordat and succeeding in its implementation will be more difficult. But both are necessary to safeguard the university as a critical institution supporting the advancement of knowledge in a free society.

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