

Impact case study (REF3)

Institution: University of Lincoln		
Unit of Assessment: 23 – Education		
Title of case study: Safeguarding Academic Freedom in the Nations of the Council of Europe		
Period when the underpinning research was undertaken: 2014 - 2019		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
KARRAN Terence	Professor	1 Oct 91 to date
BEITER Klaus	Research Fellow	2 Sep 13 – 1 Sep 15
MALLINSON Lucy	Research Assistant	3 Oct 17 to date
Period when the claimed impact occurred: 2019 – 2020		
Is this case study continued from a case study submitted in 2014? N		
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>Karran’s research on academic freedom in Europe provided the legal and empirical underpinnings for an Expert Report that he authored for the Council of Europe’s Committee on Culture, Science, Education and Media on “Threats to academic freedom and autonomy of universities in Europe”. The Expert Report recommended drafting a Council of Europe Convention on Academic Freedom or an additional protocol on academic freedom to the European Convention on Human Rights. The Committee approved the recommendations of Karran’s Expert Report, and the CoE Rapporteur, Koloman Brenner (Deputy Speaker of the National Assembly of Hungary) used the Expert Report as the basis for a Report to the Committee on Culture, Science, Education and Media. After acceptance by the Committee on 25th September 2020, a further Report with Draft Recommendations was produced for consideration by the Standing Committee of the Parliamentary Assembly of the Council of Europe (PACE). On November 20th 2020, the PACE Standing Committee voted to accept the Resolution and accompanying Recommendation which included (inter alia) the creation of either a Council of Europe Convention on Academic Freedom, or an additional protocol on academic freedom to the European Convention on Human Rights.</p>		
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>The underpinning research relates to two studies, facilitated via an EU Marie Curie Action grant of €299,558. First, an analysis of the <i>de jure</i> legal and constitutional protection for academic freedom, in the European Union’s 28 states [see Ref: 3.1]. Second, an analysis (by means of a large-scale survey with over 4500 respondents) of the <i>de facto</i> experiences of academic freedom enjoyed by academics across the EU [3.4]. The research’s aim was to improve the protection for, and a greater awareness of the benefits of, academic freedom among academics, educational policy makers, and the public at large. The objectives of the research to which this case study refers, were to:</p> <ul style="list-style-type: none"> • Investigate the historical origins and development of academic freedom in Europe. • Assess whether the constitutional and legal protection for academic freedom in the 28 EU states was compliant with the 1997 UNESCO <i>Recommendation concerning the Status of Higher-Education Teaching Personnel</i>, of which all EU states are signatories. • Undertake a comparative analysis of the constitutional and legal <i>de jure</i> protection for academic freedom in the 28 EU states, identifying those nations where academic freedom is poorly protected. • Use data from a large-scale survey of the 28 EU states to analyse the <i>de facto</i> protection for academic freedom. 		

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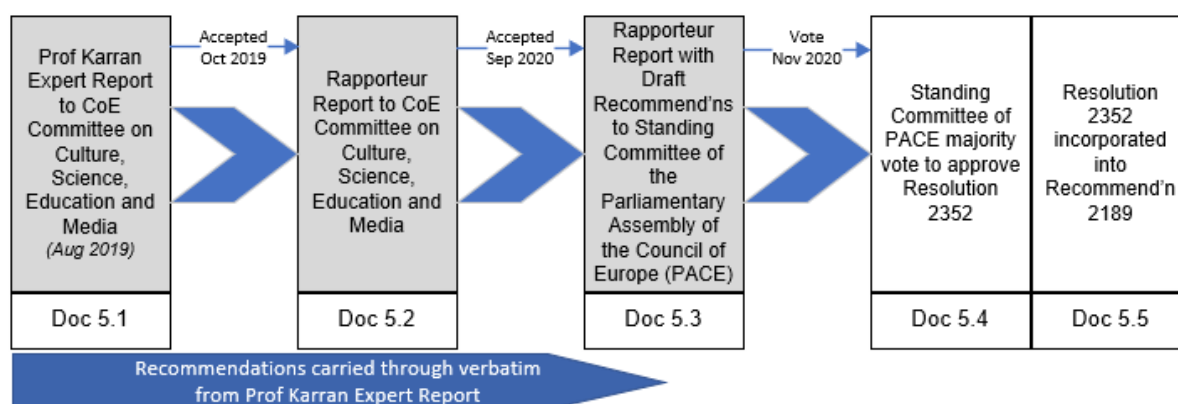
These two complementary EU projects formed the evidence base for an Expert Report to the Council of Europe's Committee on Culture, Science, Education and Media.

3. References to the research (indicative maximum of six references)

- 3.1 Karran T, K Beiter and K Appiagyei-Atua (2017) 'Measuring academic freedom in Europe: A criterion referenced approach' *Policy Reviews in Higher Education* 1(2): 209–239. <https://doi.org/10.1080/23322969.2017.1307093>
- 3.2 Karran, T., and Mallinson. L., (2019) 'Academic Freedom and World-Class Universities: A Virtuous Circle?', *Higher Education Policy*, 32(3): 397–417. Available on request.
- 3.3 Karran, T., (2019) Expert Report on *Threats to academic freedom and autonomy of universities in Europe*, submitted to the Committee on Culture, Science, Education and Media, on 13th September 2019, Strasbourg: Council of Europe mimeo. <https://assembly.coe.int/LifeRay/CULT/Pdf/DocsAndDecs/2019/AS-CULT-INF-2019-06-EN.pdf>
- 3.4 Karran, T., Beiter, K., (2020) "Academic Freedom in the European Union, Legalities and Realities", in (Eds.) Bergan, S., Gallagher, T., Karkavy, I., *Academic Freedom, Institutional Autonomy and the Future of Democracy*, Strasbourg: UNESCO/Council of Europe, pp. 121-140. Available on request.

4. Details of the impact (indicative maximum 750 words)

Karran's Expert Report [Doc. 5.1] was completed in August 2019, and discussed and approved by the Committee on Culture, Science, Education and Media on 3rd October 2019. Based on this Expert Report, the Rapporteur Koloman Brenner, produced a preliminary Draft Report [Doc. 5.2] comprising an explanatory memorandum and draft recommendations. Meeting by videoconference on 25th September 2020, the Committee on Culture, Science, Education and Media, then adopted a draft resolution and a draft recommendation, thereby approving Koloman Brenner's Draft Report and declassifying Karran's Expert Report, to make it public. Following this approval, the rapporteur, Koloman Brenner, produced a report [Doc. 5.3] for circulation to, and consideration by, the Standing Committee of the Parliamentary Assembly of the Council of Europe (PACE). Following debate in the Parliamentary Assembly of the CoE on 20th November 2020, the Standing Committee approved, by majority vote, Resolution 2352 (2020) [Doc. 5.4] on "Threats to academic freedom and autonomy of higher education institutions in Europe". This was incorporated in Recommendation 2189 (2020) [Doc. 5.5]. This chronology is summarised in the figure below:



The Draft Report produced by Koloman Brenner [Doc. 5.3] explicitly recognises the central contribution of Karran's work, and states: (on page 6) "I am grateful to Professor Terence Karran, Director of Research at the School of Education, University of Lincoln, United Kingdom, whose expertise and study on academic freedom in the European Union member States

(hereafter the “EU study”) provides many of the arguments and the empirical background information for this report.” Much of the text of the Draft Report by Brenner was copied verbatim from Karran’s Expert Report. More importantly, significant policy recommendations proposed by Karran were carried forward unaltered from the Expert Report to the Brenner’s Draft Report to the Parliamentary Assembly, detailed in table 1 below.

Table 1: Summary of Karran’s recommendations (5.1) carried through to Report to PACE (5.3), and underpinning Resolution 2352 (5.4) and Recommendation 2189 (5.5)

Karran’s Expert Report Recommendations – [Doc. 5.1-AS/Cult/Inf (2019) 06 28/09/2020]	Brenner’s Draft Report for Standing Committee of PACE – Doc. 5.3-15167 16/10/20]
The Council should liaise with the European Students Union, to work on producing and disseminating a students’ academic freedom rights Charta, for use among member States. (P.5, para. 20)	The EHEA together with the ESU could establish a research agenda, and thereby clarify and strengthen the academic freedom rights of both staff and students, and to work on producing and disseminating a students’ academic freedom rights Charta, for use among member States. (P.9, para. 28)
The survey of the experiences of academic staff in the universities of Europe reveals that self-censorship, bullying and psychological pressure are more common than should be the case in universities. The Council needs to seriously consider how this evident problem can be addressed at national and institutional level within the EU states, through dissemination of information on academic freedom rights, as enshrined in constitutions and legislative frameworks. (P.9, para. 40)	The research into academic freedom in the EU member States has revealed that bullying, psychological pressure and self-censorship are all too commonplace within higher education institutions that are supposed to encourage their staff to pursue teaching and learning within an academic environment typified by the tolerance of others’ opinion and beliefs, and freedom of expression; 15.5% of respondents reported being bullied by other academic staff. This indicates how important it is for staff to be aware of their academic freedom rights, and for proper processes and protocols to be established within universities to deal with this problem. The Council of Europe should address it through dissemination of information on academic freedom rights, as enshrined in constitutions and legislative frameworks. (P.10, para.41)
Under the aegis of the General Agreement on Trade in Services (GATS), the marketisation of higher education has accompanied a growth in both the number of suppliers of trans-national education and universities establishing campuses outside their home nation. The Council should examine the possible threat posed by such developments to individual universities and higher education systems, especially in small European states. (P.12, para. 58)	Under the aegis of the GATS, the commodification of higher education has accompanied a growth in both the number of suppliers of trans-national education and higher education institutions establishing campuses outside their home nation. The Council of Europe should examine the possible threat posed by such developments to individual universities and higher education systems, especially in small European States. (P.12, para.53)
The Council of Europe should be asked to liaise with member nations to request information on legal protection for academic freedom in individual nations, to create a directory of academic rights in Europe, with the aim of disseminating legal advice and better information for all academics, to	The Council of Europe should consider a programme of action to work with member States to develop and disseminate authoritative materials for academic staff detailing the rights linked to academic freedom within each nation. (P.9, para.26)

<p>enable them to protect their academic freedom rights. (P.14, para.67)</p>	
<p>With respect to <i>de jure</i> protection, such a body would assist the organisation to draft a Council of Europe Convention on Academic Freedom or alternatively consider drafting an additional protocol on academic freedom to the European Convention on Human Rights. With respect to the protection of <i>de facto</i> academic freedom, the intention would be to:</p> <ul style="list-style-type: none"> • monitor violations of academic freedom in the nations of the Council of Europe; • make recommendations to the Committee of Ministers on restorative action; • develop support materials for use in different nations; • provide workshops and seminars on academic freedom. (P.14, para.70) 	<p>With respect to <i>de jure</i> protection, the CDPPE (CoE Steering Committee for Educational Policy and Practice) should be encouraged to assist the Council of Europe to draft a Convention on academic freedom or alternatively consider drafting an additional protocol on academic freedom to the European Convention on Human Rights With respect to the protection of <i>de facto</i> academic freedom, the intention would be to:</p> <ul style="list-style-type: none"> • monitor violations of academic freedom in the member States of the Council of Europe; • make recommendations to the Committee of Ministers on restorative action; • develop support materials for use in different nations and provide workshops and seminars. (P.18, para.92)

In sum, Karran’s research **provided the academic and empirical foundations which underpinned the initiation and development of major elements of a new policy on academic freedom within Council of Europe**, and directly led to some **crucial recommendations for important policy changes on the protection of academic freedom within the 47 nations of the Council of Europe**. The preliminary draft Recommendation 2189 [5.5] , approved by the Parliamentary Assembly, recommended that the Committee of Ministers entrust the Steering Committee for Education Policy and Practice with:

- carrying out an empirical study on the state of affairs and awareness of scholars, researchers, university staff and students all over the Council of Europe and EHEA member States of their academic freedom;
- drawing up an action plan on policy advice and awareness raising in order to harmonise the sometimes-contrasting policies made by nations and individual institutions in the name of academic freedom;
- carrying out a study on the effectiveness of constitutional provisions and the implementation of legislative frameworks that are meant to protect academic freedom and institutional autonomy in member States, and make policy recommendations upon this study;
- assessing the need for and feasibility of a developing binding instrument on academic freedom and institutional autonomy.

Based on these draft Recommendations, this will lead the Council to:

- draft a CoE Convention on Academic Freedom or an additional protocol on academic freedom to the European Convention on Human Rights;
- Create an academic freedom charter for university students;
- Investigate the impact of trans-national education on individual universities and higher education systems in Europe.

The first of these policies would constitute the most important change in supranational legal protection for academic freedom among the 47 nations of the Council of Europe since the signing of the 1997 UNESCO *Recommendation on the Status of Higher Education Teaching*

Personnel. Hopefully, it will also lead to changes in national legislation on academic freedom, both within the 47 Council of Europe nations, and beyond.

5. Sources to corroborate the impact (indicative maximum of 10 references)

The relevant documents (which have been supplied) are as follows:

- 5.1. Karran's Expert Report [Doc. 5.1-AS/Cult/Inf (2019) 06] for the Committee on Culture, Science, Education and Media
- 5.2. Koloman Brenner's Draft Report [Doc.: 5.2-AS/Cult (2020) 06] to the Committee on Culture, Science, Education and Media
- 5.3. Koloman Brenner's Draft Report [Doc.: 5.3-15167] to the Standing Committee of the Parliamentary Assembly of the Council of Europe
- 5.4. Koloman Brenner's Resolution to the Parliamentary Assembly [Doc.: 5.4-Resolution 2352 (2020)]
- 5.5. Recommendation by the Parliamentary Assembly [Doc.: 5.5-Recommendation 2189 (2020)]:

The bona fides of the cited documents can be confirmed by accessing the Council of Europe website at: <https://pace.coe.int/en/files/28881>.