

Powerful and vulnerable – Academic Freedom in Practice

Summary, 29 June 2023

Part 1: The investigation of the report

Assignment

On 16 December 2022, the Executive Board of the University of Amsterdam received, through the Complaints Committee, a report of suspected institutional wrongdoing. The Executive Board decided to ask an external committee to investigate the report. The committee, consisting of three members, was established on 8 February 2023. Its terms of reference fall into three parts.

First, the investigation into whether there are, as the whistleblower's report states, "serious institutional abuses at the Faculty of Social and Behavioural Sciences (FMG) of the UvA, leading to an acute and fundamental threat to academic freedom and the quality of teaching and research". In his report, whistleblower speaks of a "culture of fear" in the faculty in this regard. The results of the committee's investigation can be found in Part 1 of this report.

Second, the committee was asked to make recommendations for strengthening academic freedom in policies and practices mentioned in the complaint, regardless of whether they qualify as wrongdoing. These could benefit the entire UvA. Those recommendations, which turned out to number ten in total, can be found in Part 2.

And third, the committee was asked to give further consideration to academic freedom and wokeness, safe spaces and students' demands on higher education. These can be found in Part 3. In that Part, the committee discusses the nature, content and scope of academic freedom, including its relation to freedom of expression, and elaborates on a number of areas of tension.

Conclusion regarding the whistleblower report

In its investigation, the committee has distinguished between the whistleblower and his complaint as carefully as possible. Where the two meet, the committee accounts for this in the text of its findings. The committee is aware that, in addition to its investigation (into the complaint), an employment law procedure is ongoing.

In accordance with the agreed terms of reference, the committee has assessed the admissibility of the whistleblower, delved into the statements in the complaint, taken note of all information submitted and, in interviews with 53 people (students, lecturers, researchers, support staff and administrators) from the Faculty of Social and Behavioural Sciences of the UvA, has ascertained whether issues in the complaint are recognised, and if so to what extent. As such, it is a qualitative study in which the information obtained comes from interviews and written communications (in part unsolicited) with representatives of those closest related to the issues - no quantitative research was conducted among all students and staff of the Interdisciplinary Social Science (ISW) programme in which the whistleblower is a lecturer. In selecting the interviewees, care was taken to speak to the broadest possible representation of staff and students, representative of that programme and its administrative context.

In its investigation, the committee found no (as the report states) institutional abuses leading to an acute and fundamental threat to academic freedom and the quality of teaching and research.

In its interviews, the committee paid attention to signs of a culture in which people do not feel free to speak out, suggest ideas, share information and knowledge, and learn; in other words, a culture in which, as the whistleblower puts it, colleagues and students with academic and political

views that diverge from UvA norms are attacked, dismissed and/or fired. The committee did not find such an unfree culture at ISW; the interviews revealed a more open culture than the whistleblower describes. The interviewees in this investigation did not bring up any situations at ISW or FMG that the committee would class as an excessively woke culture. A few did mention serious external threats.

It should be noted that many interlocutors remarked that the covid period has greatly hampered personal contacts - in their view, this has had a negative effect on the faculty as a community. Moreover, the committee notes that in a programme such as ISW, without a disciplinary or research-defined 'home base', it can be difficult for those lecturers who only have a teaching role and who also often have only a part-time appointment, to feel like members of a community in which people know each other, regularly exchange views and address each other or give feedback. This is especially the case when this involves many new students and teachers as a result of rapid growth, as was the case in the ISW programme.

Part 2: Recommendations to promote academic freedom

Ten recommendations

No institutional wrongdoing, then, within the faculty or programme that fundamentally and acutely threatens academic freedom and thus the quality of teaching and research. However, the committee does see that the polarisation in society and the increasing grimness of the social and political debate in the Netherlands do not bypass the ISW programme. This is more generally, but certainly not only, the case in scientific disciplines dealing with social and more normative or sensitive issues. This grimness, which can sometimes be distinctly intimidating for teachers, students, researchers and administrators, can strike at the heart of academic freedom and lead to unwanted self-censorship or other forms of undesirable restraint among researchers, teachers and students. This development requires more attention.

And there are other developments that call for more attention to academic freedom and the related institutional autonomy. For instance, the Royal Netherlands Academy of Arts and Sciences (KNAW) has repeatedly pointed to the impact on the freedoms of researchers and lecturers that result from changes in funding, and the committee calls attention to the importance of academic leadership and professional handling of complaints. Academic freedom is as powerful as it is vulnerable. As a result of its investigation, the committee also has concerns - concerns which may also be applicable to other Dutch universities.

In Part 2 of this report, the committee therefore makes ten concrete recommendations to the UvA Executive Board and the wider academic community of the UvA to promote academic freedom.

1. Demonstrate that academic freedom is a core value in the university
2. Involve students in the discussion about academic freedom
3. Invest in a community that can sustain academic freedom
4. As administrators, keep a distance from the content of research and teaching
5. Provide leadership that monitors and promotes academic freedom
6. Incorporate academic freedom into the various internal university processes
7. Talk with each other about the relationship between academic freedom and social debate
8. Professionalise internal handling of complaints, also with academic freedom in mind
9. Limit possible communication asymmetry in procedures
10. Keep away from woke/anti-woke fights and combat the cancellation of colleagues and guest speakers

With these recommendations, the committee aims to contribute to increasing the necessary knowledge about the nature, content and scope of academic freedom, and its promotion.

The duty of care for academic freedom

The duty of care for academic freedom has three dimensions:

- (i) the individual academic freedom of teachers and researchers and their responsibility to treat it with care,
- (ii) the institutional freedom (autonomy) of the university itself and (again) the responsibility to treat it with care, and
- (iii) the duty of care of governments and administrators to monitor and actively promote the academic freedom of researchers, teachers and students and the institutional autonomy of the university.

Even though, unlike in many other countries, academic freedom is not included in the Dutch Constitution, it does belong in the broader sphere of fundamental rights. In the Charter of Fundamental Rights of the European Union, the academic freedom of Article 13 stands alongside the freedom of expression of Article 11 for good reason.

This status of academic freedom as a fundamental right means that it is not negotiable. Restrictions are possible only if they (i) are laid down by law; (ii) respect the essential content of the fundamental right; and (iii) are necessary to serve a legitimate purpose in a democratic society. Any infringements of academic freedom will therefore have to be thoroughly and transparently justified.

Academic freedom as a core value (recommendations 1 and 4)

Academic freedom is a core value. It contributes to the specific social responsibility of each university and faculty, a responsibility that will generally have been elaborated in a more specific university and faculty mission, vision and core values. The UvA phrases its social responsibility as a ‘responsibility for a liveable, safe, just and sustainable environment’.

More precisely, academic freedom is the principle that lecturers and researchers at academic institutions can freely conduct their research, communicate their findings and teach freely.

It is linked to an employee's position in the exercise of teaching and research. Academic freedom includes the content of academic teaching, the choice of research topics, the choice and application of one's own research questions and methods, access to information sources and the publication and sharing of thoughts and information through appropriate channels and media.

This means that administrators must keep as much distance as possible from the content of teaching and research.

Actively monitoring and promoting academic freedom is a task for universities themselves. That task cannot be separated from the institutional context in which universities operate. The academic freedom of lecturers and researchers is inextricably linked to the collective institutional freedom, i.e. autonomy, of the university. The committee has the impression that (e.g. political) parties or bodies that claim to stand up for academic freedom on the one hand, all too easily advocate policies or measures that seriously curtail the autonomy of those universities, on the other. In this way, they damage the academic freedom, which they claim to consider so important, rather than protect it.

Academic freedom as a mission for all (recommendations 2 and 5)

Rector and Deans play a prominent role as guardians of academic freedom. But there is not just work to be done for university administrators. Academic freedom demands active academic leadership by all managers and all directors of programmes. And furthermore, it is a task for everyone in the community, including students. Yes, students also share in academic freedom. Thus, in the education they receive, they are not supposed to be dependent on (as the explanatory note to the Dutch Higher Education law puts it) "certain political, philosophical or science-theoretical views". These freedoms fundamentally make students participants of the university community. Even if the exercise of their freedoms is of a different nature from that of the lecturer and teacher, they too share in the common remit of realising academic freedom at the university.

It is the task of the lecturer, trained and authorised to do so and within applicable quality frameworks, to put together the academic content of a subject and the curriculum. This does not mean that students have no influence on teaching within the programme. If students disagree with the way lecturers use their academic freedom, they can enter into a conversation with their lecturers and administrators or turn to the programme committee or the student council. To effect this, they should be able to be easily heard and receive responses in a straightforward manner.

Today, students' academic freedom must also include protecting students' freedoms against interference from their (foreign) national governments and providers of scholarships and visas.

Academic freedom and diversity & inclusion (recommendations 3 and 6)

The committee is convinced that academic freedom and diversity & inclusion are not opposed to each other, but very much need each other. Besides all aspects of diversity such as gender, skin colour, age, sexual orientation, and experiences and perceptions, diversity of political views and of academic perspectives also counts as an essential part of inclusion at the university. In this respect, worrying developments at universities in the United States and the UK in particular deserve to be followed with critical attentiveness..

Promoting diversity and inclusion and maintaining and nurturing academic freedom can and should go hand in hand, according to the committee. In management meetings, in the discussion on the work floor between colleagues, in the interaction with students in the lecture and study halls: everywhere, achieving academic freedom requires brainpower, a broad repertoire of actions and also simply tolerance, wisdom, collegiality, good manners and community spirit.

To achieve that - besides good leadership - it is important to ensure a culture of social and psychological safety, and a transparent and diversity-oriented appointment policy. Ultimately, after all, university processes must all be about respect for each other and giving space: between administrators and staff, staff among themselves, and lecturers and students. The committee notes there is a lack of data on the actual state of affairs surrounding academic freedom. It therefore makes recommendations here as well.

Academic freedom and regulations (recommendations 8 and 9)

Beware of taking refuge into legal rules. The tendency of organisations to seek a solution in more rules, procedures and protocols in the face of external pressure and escalating conflicts is understandable. Clear protocols that are easy to find, on how to act and who should act, are important, and the committee advises on this in its findings. But the committee also advises not to have too high expectations from these kinds of supposedly clear rules of conduct and legal concepts. It found that at the central level, the UvA has a large number of rules of conduct, protocols, regulations, guidelines, statements, requirements, policies and codes. Sometimes, faculties and study programmes also have their own rules on the same topics. Apart from the

findability, knowledge and understandability of all these rules, it is good to realise that rules as such are not enough to guide behaviour. That also requires, within the university and within the programmes, a culture of open dialogue to discuss what constitutes everyone's academic freedom within a university community.

Academic freedom and freedom of expression (recommendations 7 and 10)

It is important to discuss how academic freedom relates to the freedom of speech that everyone is entitled to as a citizen in the public space (extra-mural free speech), what academic freedom means in terms of the freedom of a scientist to choose his or her own collaboration partners, and the freedom to join scientific societies. But also, for example, how free scientists and students are to invite their own on-campus guest speakers with potentially controversial topics in the context of teaching, research, student development and knowledge transfer.

A central theme in the whistleblower's report is the concept of woke. This concept has evolved over a few years from a substantive appeal aimed at raising awareness of large-scale and deep-rooted racism, inequality and social injustice, to a term that is now also often used in a strongly negative sense in position statements in which users do not seem substantially interested in each other's arguments and even seem to wish to deny each other the right to speak.

The university, focused as it is on scientific education and research and knowledge transfer, should be the last place for such dynamics. If researchers, teachers and students do not listen to each other, do not give each other space or prefer to avoid or even exclude each other, they undermine both their own message and development and that of the other. Those who cancel will at some point be cancelled themselves. In an academic environment, ill-founded ideas and unsound research and teaching should lose out to good research and good teaching - not by exclusion.

Part 3: The background review

The background review in Part 3 of this report shows that the restrictions on academic freedom have been numerous and multifaceted over time. Each new limit or restriction viewed in isolation has a reason or cause, some perhaps more convincing than others. This produces new tensions each time. It leads the committee to believe that every effort must be made to continue to give substance to academic freedom in practice. The committee also hopes that its background report, which identifies a number of areas of tension - some of which are still unresolved - will contribute to this.

Universities train new generations of students to be the experts and leaders of the future, indispensable for solving the major problems facing society and the world. Over the centuries, moreover, they have developed into institutions of free speech and of speaking truth to power. In this sense, universities are one of the pillars of the free democratic rule of law. As a community, universities should also be an example to society and to the larger world of how people treat each other when they disagree.

Trust in what universities do and what they stand for is therefore crucial at a time when science is 'just another opinion' for some and scientific problem analyses are easily brushed aside with observations such as 'oh well, there are so many scientists'.

So the stakes are high. Here, the committee emphasises, lies a task for everyone within the university.