



Academic Freedom and the Public Intellectual

Prof. Barney Glover, Vice-Chancellor
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Schedule

- 11.30am Introduction and Welcome
- 11.35pm Opening Presentation
- 12.00pm Table discussion
- 1.10pm Short report back from each table
- 1.25pm Summary and discussion of next steps.
Report to University Executive and Senate.
Lunch will be available.



Objects of a University in NSW

The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, **free inquiry**, the interaction of research and teaching, and academic excellence.

The pursuit of truth, wherever it leads.



From the *UWS Engagement Plan 2014-2016*

As Greater Western Sydney's population and economy continue to grow and diversify, UWS will take a leading role in the research, knowledge exchange, planning, human capital and infrastructure development that will be essential to the region's prosperity. *Strategies include:*

- Be an opinion leader on Greater Western Sydney regional issues
- Influence regional, state and national economic and social agendas



And More Broadly

*To be a university of **international standing and outlook**, achieving excellence through scholarship, teaching, learning, research and service to its regional, national and international communities, beginning with the people of Greater Western Sydney.*

The role of the public intellectual is crucial to achieving this Mission and Plan; building the University's reputation, and contributing to public debate and policy development.

It can also greatly enhance staff reputations and careers.



But it can also be very controversial!



“Uni faces heat over lecturer’s Syrian talks”

Kerr, Christian. *The Australian*, 7 Jan 2014: 4.

SYDNEY University is under increasing pressure to take action over the meeting between Syrian dictator Bashar al-Assad and an Australian delegation that included senior lecturer Tim Anderson.

A group of federal MPs has written to vice-chancellor Michael Spence to express concern about the meeting, which took place late last year.

Note: This is only a short extract. The situation is, of course, more complex.



“University paid for anti-vaccine student to attend conference”

Morton, Rick. *The Australian*, 28 Jan 2014: 4.

THE University of Wollongong paid for one of its PhD students with anti-vaccine views to attend an overseas scientific conference organised by a group known for unethical practices and questionable screening of participants.

Note: This is only a short extract. The situation is, of course, more complex.



Intellectual and Academic Freedom

Definitions are diverse and disputed (typical of academia!), but the following brief statement may be helpful.

At its simplest, academic freedom may be defined as the freedom to conduct research, teach, speak, and publish, subject to the norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth and understanding may lead.

Academic Freedom Statement of the First Global Colloquium of University Presidents, Columbia University, 2005.



Freedom of Speech and/or Expression

Definitions are even more vigorously disputed, but the following distinction is important.

Academic freedom is ... distinct from – and not a mere extension of – the freedoms of thought, conscience, opinion, expression, assembly, and association promised to all human beings under Articles 18, 19, and 20 of the Universal Declaration of Human Rights and other international covenants.

Academic Freedom Statement of the First Global Colloquium of University Presidents, Columbia University, 2005.



The Context Makes the Difference

The activities of preserving, pursuing, disseminating, and creating knowledge and understanding require societies to respect the autonomy of universities, of the scholars who research and teach in them, and of the students who come to them to prepare for lives as knowledgeable citizens and capable leaders. The autonomy of universities is the guarantor of academic freedom in the performance of scholars' professional duties.

Academic Freedom Statement of the First Global Colloquium of University Presidents, Columbia University, 2005.



The Context Makes the Difference

The term “academic freedom” is not always well-understood, even within universities.

It cannot be detached from the “norms and standards of scholarly inquiry”, including their collegial context.

See, for example, the *Singapore Statement on Research Integrity*.

Disputes about academic freedom may be found, on inspection, to be disputes about freedom of speech, which have a different set of obligations and protections.



UWS Values (from the *Code of Conduct*)

A shared and explicit set of values will continue to characterise UWS, the cornerstones of which are:

- a. Ethics and accountability
- b. Excellence and quality in all endeavours
- c. Equity of access and inclusiveness
- d. Academic responsibility and freedom**
- e. Scholarly rigour and integrity
- f. Collegiality and participatory decision making
- g. Relevance and responsibility to our communities.



UWS Values (from the *Code of Conduct*)

In this formulation, academic freedom:

- exists in the context of a wider set of values;
- is balanced by academic responsibility.

In other words, it comes with conditions and obligations.



UWS Statements, Policies and Agreements

Intellectual and academic freedom are addressed in:

- Code of Conduct – *approved by the Board of Trustees*
- Media Policy
- Research Conducted by External Parties Approval Policy
- Respect and Inclusion in Learning and Working Policy
- Academic and General Staff Agreements (2009 – 2012)



Academic Freedom in the *Code of Conduct*

UWS is committed to the ideal of freedom to undertake intellectual inquiry and the pursuit of knowledge without undue interference or influence. While the individual and the University benefit from this, we acknowledge the social context and our responsibilities and accountability to peers, each other, and society in general. You should therefore recognise that:

- a. academic responsibility encompasses an ethical obligation to the University community and society for the **quality and integrity of outcomes and relevance to the work of the University;**



Academic Freedom in the *Code of Conduct*

- b. there is an organisational context of consideration and decision making within which we work;
- c. academic freedom does not include a protected privilege to speak out on any matter, to deride or defame individuals, groups or the University or to ignore the policies or decisions that have been formally made within the University community, or those which the University is required to observe at law.



Public Comment and the UWS *Media Policy*

(17) Whilst academic freedom is valued and should be protected, the definition of academic freedom does not expand to cover areas pertaining to the University which are not in the area of expertise of the individuals concerned.

(19) Where public comments are offered by staff as employees of the University of Western Sydney, it is expected that the **comments will relate directly to their areas of scholarly expertise.**



Public Comment and the UWS *Media Policy*

(21) From time to time experts within the University of Western Sydney may hold views which are within their expertise area, but which could be controversial or cause offence to some stakeholder groups. The University asks staff members to consult with the Director, Marketing and Communication before such views are expressed in the media. This will allow the University to **exercise its duty of care for staff members** who might otherwise be the subject of a public controversy as well as **effectively manage the University's stakeholder relations**.



Public Comment and the UWS *Media Policy*

Both of these are real considerations:

- The “marketplace of ideas” can get very rough, and individual staff members and students may find themselves the target of sustained abuse.
- Universities may have to defend their autonomy and academic reputation against external criticism and even sanctions.



Intellectual Freedom in the *Academic and General Staff Agreements (2009 – 2012)*

These agreements affirm a commitment “to act in a manner consistent with the protection and promotion of intellectual freedom within the University, including the right of an employee:

- a. to pursue critical and open inquiry and to freely discuss, teach, assess, develop curricula, publish and research;
- b. to participate in public debates and to express opinions about issues and ideas related to their discipline area and professional expertise or higher education issues generally;



Intellectual Freedom in the *Academic and General Staff Agreements (2009 – 2012)*

- c. to participate in professional and representative bodies, including unions and decision making processes and governance roles within the University, and to engage in community service without fear of harassment, intimidation or unfair treatment;
- d. to express **unpopular or controversial views** but this does not mean the right to harass, vilify, denigrate or intimidate.”



Can you suggest some classic or current controversies about free inquiry and academic freedom?



Please discuss the following examples at your tables, and identify:

- The principles that would help you to identify whether this is a legitimate use of academic freedom;
- The course of action you would recommend for managing the situation;
- The type of resources or guidance about academic freedom you would find helpful.

Please be prepared to give a short (3 minutes) report. Detailed feedback will be very welcome and may be emailed or handed to Deslie Fuller: d.fuller@uws.edu.au



Case Study 1

Judy Wilyman, MSc(Population Health), a PhD candidate in Environmental Health Policy at the University of Wollongong, received financial support from the University to present a paper about the human papillomavirus (HPV) vaccine at the 3rd World Congress on Cancer Science and Therapy at San Francisco in October 2013. This paper took a critical perspective on the use of the HPV vaccine.

This led to controversy and criticism in the media, including the claim that “The University of Wollongong paid for one of its PhD students with anti-vaccine views to attend an overseas scientific conference organised by a group known for unethical practices and questionable screening of participants.” (Morton, Rick. *The Australian*, 28 Jan 2014.)

On 1 February 2014 the ABC website reported that “The University of Wollongong says it will continue to support a PhD arts student with anti vaccination views”.



Case Study 2

Dr Tim Anderson, BA(Econ) PhD, a Senior Lecturer in the Department of Political Economy at the University of Sydney, is well-known in the media for his political views and activities, as well as his academic role. His current research interests are (i) Development strategy and rights in development, (ii) Melanesian land and livelihoods, and (iii) Economic integration in Latin America (Source: Dr Anderson's staff profile at the University of Sydney).

On 23 December 2013 Dr Anderson took part in a meeting between a WikiLeaks Party delegation and President Bashar al-Assad of Syria. Several media reports have characterised this visit as “showing solidarity with people in Syria and opposing western military intervention in the country”, a view that is supported by an interview with Dr Anderson, as reported on the SBS News website.

This visit attracted criticism from representatives of the government, including the Minister for Education, who was quoted as saying “Academic freedom should be a watchword for universities, but the question Sydney University needs to answer is: are they elevating academic freedom ahead of the academic standing of the university?” (*The Australian*, 9 January 2014)



Case Study 3

ABC website Wed 5 Feb 2014, 7:44pm AEDT

A prominent academic has quit his job at Victoria's La Trobe University over conflict of interest concerns about a deal with vitamins manufacturer Swisse.

Dr Ken Harvey, a public health expert and consumer advocate, tendered his resignation after the university signed a \$15 million six-year deal with the company to research its products.

The university says the memorandum of understanding with the company is an important step towards establishing a complementary medicine centre.

Dr Harvey believes there is a clear conflict of interest.

"A partnership with a university to examine quality and efficacy of their products really has great problems of conflicts of interest," he said.

"There would be pressure on the researchers (with) \$15 million at stake. We wouldn't really want to produce negative results."

La Trobe University Deputy Vice Chancellor, Professor Keith Nugent, has defended the arrangement saying the university's research will remain independent.

"We will very carefully ensure that we are given complete independence around the publication of the data and the design of the experiments and the results good or bad, and we'll make those publicly available."



Please discuss the following examples at your tables, and identify:

- The principles that would help you to answer the questions about academic freedom that they raise;
- The course of action you would recommend for managing each situation;
- The type of resources or guidance about academic freedom you would find helpful at UWS.

Please be prepared to give a short (3 minutes) report. Detailed feedback will be very welcome and may be emailed or handed to Deslie Fuller: d.fuller@uws.edu.au



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