

Critic & Conscience of Society and Academic Freedom Principles and Policy

Last Modified Nōnahea i Whakarerekē	July 2024
Next Review Date Rā Arotake	July 2028
Approval Authority Mana Whakaae	University Council
Contact Officer Āpiha Whakapā	General Counsel Registrar

Introduction

This policy sets out the University position on the academic freedom of academic staff and students.

Definitions

Autonomy – is that degree of self-governance necessary for effective decision-making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights¹.

Academic Freedom – has the same meaning as [section 267 of the Education and Training Act 2020](#)².

Academic Staff or Academic Staff Member – All those who are employed by the University to teach and/or carry out research and this extends to those who provide, whether on an honorary basis or otherwise, teaching services and/or conduct research at the University. For the avoidance of doubt, Adjuncts, Erskine, and Canterbury Fellows are permitted to exercise Academic Freedom in relation to the teaching and/or research services being undertaken by way of their contract with the University.

¹ ["Recommendation Concerning the Status of Higher Education Teaching Personnel" UNESCO 1997](#)

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- a) The freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions;
- b) The freedom of academic staff and students to engage in research;
- c) The freedom of the University and its staff to regulate the subject matter of courses taught at the University;
- d) The freedom of the University and its staff to teach and assess students in the manner they consider best promotes learning; and
- e) The freedom of the University through its Vice-Chancellor to appoint its own staff.

Student – A person who is enrolled as a student at the University, either directly or through official arrangements with another organisation.

University – This means Te Whare Wānanga o Waitaha | University of Canterbury, the body corporate as defined by the University of Canterbury Act 1961.

Policy Statements

The policy extends to staff who as part of their duties are engaged in scholarly activities.

The purpose of this policy is to recognise the centrality of individual and institutional Academic Freedom to the betterment of society through the advancement of knowledge; to ensure that the exercise of Academic Freedom is a routine experience of scholarship and communication, so that it is exercised without fear of discrimination or disadvantage of any kind, and it is preserved and enhanced.

The University values its obligation and role as a critic and conscience of society³ and supports and encourages Academic Staff and Students to responsibly practise the tenets of Academic Freedom of expression as central to the proper conduct of teaching, administration, research and scholarship. Implicit within this role is the freedom of Academic Staff and Students to critique ideas both within and beyond the University itself.

The University values its autonomy, “the institutional form of academic freedom”⁴ through which it guarantees fulfilment of the functions of Academic Staff and Students. Academic Freedom of expression is core to the University’s obligation to be the critic and conscience of society⁵ because Academic Freedom can only exist within an environment that encourages creativity, radical ideas and criticism of the status quo, and freedom is needed to express criticism⁶.

The University also recognises the rights of all to freedom of expression as a human right, including rights to freedom of thought, conscience, religion, belief, assembly and opinion⁷. Academic Freedom, as an aspect of freedom of expression, is fundamental to academic endeavours.

³ [Section 268\(2\)\(d\)\(i\)\(E\) Education and Training Act 2020](#)

⁴ [“Recommendation Concerning the State of Higher Education Teaching Personnel” UNESCO 1997](#)

⁵ [Section 268\(2\)\(d\)\(i\)\(E\) Education and Training Act 2020](#)

⁶ [University of Canterbury submission to AOA Cycle 4 and Galvin and Woodhouse “Universities as Critic and Conscience of Society: The Role of Academic Freedom”, March 2000, AAU Series on Quality, no 6.1](#)

⁷ [Sections 13 and 14 New Zealand Bill of Rights 1990](#)

Expression Principles

Academic Freedom of Academic Staff and Students pertains to any form of expression (including communication and performance) intended to be affiliated with the University.

To facilitate harmony between institutional and individual exercise of Academic Freedom, both the University and the scholar recognise the following principles:

- All expression must be undertaken reasonably, in good faith and with suitable disclosure consistent with obligations under the [Staff Code of Conduct](#) or the [Student Code of Conduct](#).
- Those fulfilling the role of critic and conscience of society are aware of the distinction between linking their views with their University affiliation and official University comment.

Nothing in this policy should be taken as decreasing University autonomy or the Academic Freedom of staff and students as protected by the [Education and Training Act 2020](#), or as implying that protections are less than provided for by the human right of freedom of expression.

Rights and Responsibilities

Autonomy and the Academic Freedom of Academic Staff and Students carry certain responsibilities, expectations and accountabilities. They can lead to the legitimate expression of divergent views but are exercised within a relationship of trust and confidence.

Rights and Responsibilities of Academic Staff and Students in Exercising Academic Freedom of Expression

Academic Staff and Students may hold views and express them freely on all topics, even outside their expertise whilst identifying themselves as members of the University. In exercising Academic Freedom, Academic Staff and Students who communicate ideas publicly on topics outside their area of expertise should be conscious of whether it is reasonable, in the circumstances, to link their comments to their association with the University.

Academic Staff and Students have the liberty to speak freely, including on policies affecting higher education, and to criticise the University and its actions. In doing so, they should not undermine the institutional autonomy necessary for their scholarship or academic freedom.⁸

Academic Freedom comes with “the obligation to respect the academic freedom of other members of the academic community and to ensure the fair discussion of contrary views”.⁹ Academic Freedom is not a right to act unethically, suspend or disregard employment obligations, defame others, intimidate or discriminate against those who hold dissenting or non-conforming views or opinions, either within or beyond the University.¹⁰

⁸ *Recommendation Concerning the State of Higher Education Teaching Personnel*” UNESCO 1997.

⁹ *Recommendation Concerning the State of Higher Education Teaching Personnel*” UNESCO 1997.

¹⁰ Galvin and Woodhouse, ‘Universities as Critic and Conscience of Society: The Role of Academic Freedom’, March 2000, AAU Series on Quality, Number 6, 1.

A guiding principle of Academic Freedom is that in disclosing University affiliation, relevant funding or other potential conflicts of interest must also be disclosed, where applicable, consistent with principles of academic and research ethics.

Rights and Responsibilities of the University in Protecting and Enhancing Academic Freedom of Expression

Institutional autonomy comes with obligations¹¹, including the “effective support of academic freedom and fundamental human rights” of staff and students.¹² University autonomy “should not be used... as a pretext to limit the rights of”¹³ Academic Staff and Students. In accepting its role as critic and conscience of society, the University accepts a responsibility to both preserve *and* enhance academic freedom.¹⁴

Arrangements with Third Parties

In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, the University shall take all reasonable steps to not place unnecessary restrictions or burdens imposed by such arrangements or conditions on the Academic Freedom of any Academic Staff Member or Student carrying out research or study under such arrangements or subject to such conditions.

Assessment

Whether a matter is considered to be the use of Academic Freedom, and that this policy therefore applies, is an assessment for Council (or a Committee of Council as determined by Council) to undertake.

Council or a Committee of Council will seek advice from:

- Academic Board or a sub-committee of Academic Board;
- The Office of Treaty Partnership;
- The University of Canterbury Students’ Association (where the assessment involves a student).

The Committee of Council may decide to:

- Resolve the matter, with or without any actions, or with or without recommendations, which Council deems appropriate; or
- Refer the matter to other University processes, as appropriate.

The outcome of assessments will be reported to the Academic Board and the other relevant parties (for example, the Office of Treaty Partnership and the University of Canterbury Students’ Association).

¹¹ Section 267(2) Education and Training Act 2020

¹² Recommendation Concerning the State of Higher Education Teaching Personnel” UNESCO 1997.

¹³ Recommendation Concerning the State of Higher Education Teaching Personnel” UNESCO 1997.

¹⁴ Section 267(1) Education and Training Act 2020

Policy Review

This policy will be reviewed by Council in consultation with Academic Board every four years or earlier if deemed appropriate by Council.

Related Documents and Information

Legislation

- [Education and Training Act 2020](#)

UC Policy Library

- [Communications and Media Policy](#)
- [Conflict of Interest Policy](#)
- [Staff Code of Conduct](#)
- [Student Code of Conduct](#)

University Website and Intranet

- [University of Canterbury Collective Employment Agreement - section C clause C.2.5](#)

Document History and Version Control Table			
Version	Action	Approval Authority	Action Date
<i>For document history and versioning prior to 2014 contact ucpolicy@canterbury.ac.nz</i>			
1.00	Creation of policy and adding to UC Policy Library.	Chair, University Council	Mar 2014
1.01	Scheduled review by Contact Officer.	Policy Unit	Feb 2015
2.00	Scheduled review by Contact Officer, major changes, policy re-write.	Chair, University Council	Sep 2018
3.00	Scheduled review, updates and changes resulting from consultation and Council feedback.	University Council	15 Jul 2024