

## Critic & Conscience of Society and Academic Freedom Principles and Policy

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<b>Contact Officer</b>	Academic Quality Assurance Advisor, Academic Services Group – Office of the Assistant Vice-Chancellor (Academic)

### Introduction

This policy sets out the University position on the academic freedom of academic staff and students when expressing their opinions.

### 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 rights<sup>1</sup>

**Academic Freedom** – has the same meaning as [s161\(2\) Education Act 1989 \(New Zealand Legislation website\)](#)<sup>2</sup> :

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

<sup>2</sup>

- 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 Council and Vice-Chancellor to appoint its own staff.

## 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 society<sup>3</sup> 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”<sup>4</sup> 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 society<sup>5</sup> 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 criticism.<sup>6</sup>

## 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 \(PDF, 289KB\)](#) or [Student Code of Conduct \(PDF,220KB\)](#);
- 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;
- In any case of conflict over the responsible exercise of academic freedom or service as critic and conscience of society, resolution will be sought through a special sub-committee of Council that will include representation of the wider academic community, as required.

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

<sup>5</sup> [Education Act 1989 S162 \(4\)\(a\)\(v\)](#)

<sup>6</sup> [University of Canterbury submission to AQA 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.](#)

Nothing in this policy should be taken as decreasing University autonomy or the academic freedom of staff and students as protected by the [Education Act 1989 \(New Zealand Legislation website\)](#), or as implying that protections are less than provided for by the human right of freedom of expression. The policy extends to both students and all staff who as part of their duties are engaged in scholarly activities.

## **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.<sup>7</sup>

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.”<sup>8</sup> 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.<sup>9</sup>

A guiding principle of academic freedom is that in disclosing University affiliation, so also relevant funding or other potential conflicts of interest are 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 obligations<sup>10</sup>, including the “effective support of academic freedom and fundamental human rights” of staff and students.<sup>11</sup> University autonomy “should not be used...as a pretext to limit the rights of”<sup>12</sup> academic staff and

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<sup>7</sup> [Recommendation Concerning the State of Higher Education Teaching Personnel” UNESCO 1997.](#)

<sup>8</sup> [Recommendation Concerning the State of Higher Education Teaching Personnel” UNESCO 1997.](#)

<sup>9</sup> Galvin and Woodhouse, ‘Universities as Critic and Conscience of Society: The Role of Academic Freedom’, March 2000, AAU Series on Quality, Number 6, 1.

<sup>10</sup> [Education Act 1989 s161 \(3\).](#)

<sup>11</sup> [Recommendation Concerning the State of Higher Education Teaching Personnel” UNESCO 1997.](#)

<sup>12</sup> [Recommendation Concerning the State of Higher Education Teaching Personnel” UNESCO 1997.](#)

students. In accepting its role as critic and conscience of society, the University accepts a responsibility to both preserve *and* enhance academic freedom.<sup>13</sup>

## Related Documents and Information

### Legislation

- [Education Act 1989 \(New Zealand Legislation website\)](#)

### UC Policy Library

- [Communications and Media Policy \(PDF, 245KB\)](#)
- [Conflict of Interest Policy, Principles and Guidelines \(PDF, 425KB\)](#)
- [Staff Code of Conduct \(PDF, 289KB\)](#)
- [Student Code of Conduct \(PDF, 220KB\)](#)

### University Website and Intranet

- [University of Canterbury Employment Agreement \(Clause C.2.5\) \(University Human Resources website\)](#)

### External

- [Academic Freedom of Expression Policy \(University of Melbourne\) \(University of Melbourne website\)](#)
- [Recommendation Concerning the Status of Higher Education Teaching Personnel" UNESCO 1997](#)
- [Universities as Critic and Conscience of Society: The Role of Academic Freedom" New Zealand Universities Academic Audit Unit 2000](#)

Document History and Version Control Table			
Version	Action	Approval Authority	Action Date
<i>For document history and versioning prior to 2013 contact <a href="mailto:ucpolicy@canterbury.ac.nz">ucpolicy@canterbury.ac.nz</a></i>			
1.00	Creation of document and adding to UCPL.	Chair, University Council	Mar 2014
1.01	Scheduled review by Contact Officer.	Policy Unit	Feb 2015
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**This policy remains in force until it is updated.**

<sup>13</sup> [Education Act 1989 s161 \(1\)](#)