

De facto Protection for Academic Freedom in the U.K.:
Empirical Evidence in a Comparative Context

Briefing Paper for the University and College Union

Main Report

by

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*“Without such freedom there would have been no Shakespeare,
no Goethe, no Newton, no Faraday, no Pasteur, and no Lister”.*

(Albert Einstein, speech given at the Royal Albert Hall, 5th October 1933)

1 Executive Summary

This analysis, which uses similar surveys to gather comparable data from over 2000 UCU members and 5000 staff in universities of the European states, demonstrates that the low level of *de jure* protection for academic freedom in the UK is mirrored by an equally poor (if not worse) level of *de facto* protection. The reality is that, in the overwhelming majority of instances, UCU members report statistically significantly higher levels of systematic abuse of their academic freedom, across a wide array of measures, than their European counterparts. For example, 23% of UCU respondents (and 14.1% of EU respondents) reported being bullied on account of their academic views, 26.6% of UCU respondents reported being subjected to psychological pressure (EU = 15.7%), while 35.5% of the UCU cohort admitted to self-censorship, for fear of negative repercussions, such as loss of privileges, demotion, physical harm (EU= 19.1%). Some of this abuse may be attributable to a lack of knowledge of academic freedom rights among staff – only 41.7% of the UCU cohort claimed to have an adequate working knowledge of academic freedom (EU= 49.2), while less than half that proportion (20.6%) knew about the 1988 Education Reform Act, which supposedly protects academic freedom in the UK. Not surprisingly, 81.6% of UCU respondents said they would welcome additional information on the concept of academic freedom and its rights and responsibilities. Furthermore, UCU members are much more likely to strongly agree than their European counterparts that the major elements of academic freedom (freedom for teaching and research, autonomy, shared governance and employment protection) have declined. Work elsewhere suggests two possible options to ameliorate this situation. First, awareness raising about academic freedom among UCU members, along with the provision of explanatory information and training materials. Second, an appeal to UNESCO that the UK government does not meet its obligations under the 1997 *Recommendation* (of which it is a signatory state). The stark differences between the UK and the EU, in terms of *de jure* protection and *de facto* realities, both demonstrate the necessity for such an approach and provide a highly credible basis for such an appeal. This strategy was successfully adopted by the Dansk Magisterforening, the Danish academic professional association, and led to an independent expert evaluation of the legal protection for academic freedom, and change in the law.

2 Academic Freedom: previous empirical analyses

Einstein’s declamatory statement (see above), which was made in the Royal Albert Hall in 1933, doubtless inspired most of the audience. The *Times* reported that Einstein was wildly cheered on rising and during his speech, which was delivered in English, and was the last speech he was ever to make in Europe. Regrettably, however, Einstein was wrong with respect to some of the examples he cited, as neither Shakespeare nor Goethe ever held academic positions, while the majority of Faraday’s work was done while at the Royal Institution (which is where the Faraday Museum is still located). However, most teaching and research staff working in UK universities, if asked whether academic freedom was important to them, would probably answer in the affirmative. Nevertheless, despite the apparent importance attached to the concept, as was considered in the *de jure* briefing document, very little academic research has been undertaken

into academic freedom in the U.K. As was previously stated, over the last 30 years, there have only been three major texts on academic freedom in the UK.¹ These three texts, although worthy additions to the literature, focused on defining the concept, and assessing the moral and legal justification for it. None of these books provided any empirical insight as to either the effectiveness of constitutional and judicial protection, or the realities of how academic freedom operates, between academic staff, on a day to day basis within university departments. This dearth of empirical research into this topic is not just a feature of the UK, but is universal. As Åkerlind and Kyrooz² point out: “To date, public debates and scholarly discussions about the nature of academic freedom have been marked by a lack of empirical data”. A research bibliography encompassing the titles of over 2000 books, journal articles and academic papers on the subject of academic freedom³, compiled by the lead author, revealed only eleven entries that featured any attempt at an empirical analysis of how academic freedom operates. Of these only one was an article in a peer-reviewed journal, one was a government commissioned report, while the remaining nine were theses, most of which, unsurprisingly, had a very limited focus and scope, and all related to the USA.

Rupe’s 2005 doctoral thesis,⁴ for example, examined college and university attorneys’ perceptions regarding challenges to academic freedom at higher education institutions in the USA. The survey comprised seven sections, each of which included five questions. The three sections regarding academic freedom included professorial, institutional, and student academic freedom. The four sections regarding challenges to academic freedom included judicial or governmental challenges, internal or collegial challenges, institutional challenges, and extra-institutional or non-governmental, outside challenges to academic freedom. The survey was sent to the 1680 members of the National Association of College and University Attorneys, working in both public and private universities, of whom only 179 responded. This analysis was hampered by the low sample size and the atypical nature of the respondents – university attorneys, by nature of their subject of expertise, are more likely to understand the legal foundation of academic freedom than the rest of the university teaching and research staff (chemists, historians, etc.). The commissioned report was a study undertaken by Bennich-Björkman⁵ for the Swedish National Agency for Higher Education. Bennich-Björkman interviewed 17 researchers (ten professors, two of whom were emeriti, three senior lecturers, two post-doctoral fellows, two contract researchers) at two Swedish universities. The study’s small (and eclectic) sample, allied to the single focus on research to the neglect of the teaching function, which mirrors Sweden’s legal protection for academic freedom (which also has no mention of academic freedom for teaching in either the Constitution or the law, but provides legal protection for research) limits the study’s utility for comparative analysis. The only peer reviewed paper in this area, by Romanowski and Nasser,⁶ examined faculty perceptions of academic freedom at a university in the Gulf Cooperation Council, and had a sample size of 94. This paper appeared in 2010, but has only been cited in

¹ E. Barendt (2010) *Academic Freedom and the Law: A Comparative Study*, Oxford and Oregon: Hart Publishing.

K. McGuinness, (2002) *The Concept of Academic Freedom*, Lampeter: Edward Mellen Press.

M. Tight, (1988) (ed.), *Academic Freedom and Responsibility*, Buckingham: SRHE/OU Press.

² G. Åkerlind, & C. Kyrooz, (2003) “Understanding Academic Freedom: The Views of Social Scientists”, *Higher Education Research and Development*, 22(3): 330.

³ Accessible from: <http://eprints.lincoln.ac.uk/1763/2/AcademicFreedomResearchBibliography.pdf>

⁴ M. Rupe, (2005) “Higher education attorneys’ perceptions regarding academic freedom and challenges to academic freedom”, *Dissertation Abstracts International*, 66(12). (UMI No. 3197564).

⁵ L. Bennich-Björkman, (2004) *Has academic freedom survived?* Stockholm: National Agency for Higher Education.

⁶ M. Romanowski, R. Nasser, (2010) “Faculty perceptions of academic freedom at a GCC university”, *Prospects*, 40(4): 481-497.

ten other academic books and/or papers since publication. This total absence of any substantial empirical studies of the working of academic freedom, demonstrates the urgent need for a study such as this, but also highlights the severity of the task – a lack of any previous work means that the research instruments required for this task have to be built from scratch.

In 2013, the lead author was awarded an EU funded two year research grant of €299,558.40 to bring a Research Fellow, Dr. Klaus Beiter, to the University of Lincoln to undertake a study of academic freedom in the European Union. A major plank of this work was the creation of an on-line survey on academic freedom. This survey was piloted in the University of Lincoln, which enabled possible problems to be eliminated. The corrected survey was then made available for online completion via the Survey-Monkey website. The survey had four sections: Academic Freedom in your Department/Faculty, Institution and Nation (15 questions); Your Personal Experiences of Direct Challenges to Academic Freedom (14 questions); Some Questions About You (22 questions); About Your Academic Work and Responsibilities (18 questions). Using an online survey delivered via Survey-Monkey in this way has various distinct advantages:⁷

- it can reach a large number of intended participants very easily;
- it expedites the data collection process, as respondents can fill in the survey from a remote server;
- data is collected on a remote server and so guarantees anonymity, which complied with the EU ethical guidelines and requirements for the research;
- the Survey-Monkey website provides various analytical tools for generating frequencies for each question;
- participants' responses can be automatically stored in a database, which means that the data can be downloaded using excel or exported into SPSS, thus eliminating the task of manually inputting each individual data sheet, and the coding of a large number of questionnaires;
- in terms of cost per respondent, this method is economical, with respect to time and money.

Once the survey was ready, a personal printed letter was sent to the Rector of every university in all of the EU states, explaining the purpose of the study, indicating the URL to enable the survey to be completed online, and requesting that an email be sent to all academic staff members at their institution, inviting them to complete the survey. Subsequently, contact was made with (<https://www.ei-ie.org/>), a global union federation of teachers' trade unions comprising 401 member organisations in 172 countries and which represents over 32 million education personnel, and to which the majority of higher educational trade unions and professional associations, such as the UCU, belong. Educational International agreed to send a letter to all their h.e. member organizations, explaining the purpose of the study, indicating the URL to enable the survey to be completed online, and requesting that an email be sent to all academic members of their respective organisations, with a request to complete the survey. Finally, websites of the largest universities in each EU nation were used to identify the names and email addresses of all academic staff, who were then sent a personal email, inviting them to participate in the survey. This work is still ongoing, to try to increase the response rate in the smaller EU states. At present the total number of responses to the European survey exceeds 5300, of which circa 500 are from the United Kingdom. The sample size is such that, it represents an accurate snap-shot of the state of academic freedom in the majority of EU states, and can therefore act as a good comparator against which to bench mark the equivalent data obtained from UCU staff in the UK.

⁷ For a comparison of the relative merits of using email and web-based surveys, when compared with postal surveys and face-to-face and telephone interviews, see A. Bryman, (2016) *Social Research Methods*, (5th Ed.). Oxford: OUP, p. 236

3 The UCU Academic Freedom Survey

The success of this survey, as a research instrument for gathering data, was such that it made sense to adopt a similar approach, albeit with bespoke elements, to gather data from UCU members. Consequently, following discussions with Rob Copeland (UCU Policy Officer) and Matt Waddup (UCU's Head of Policy and Campaigns), it was decided to retain the basic structure of the previous survey, but in a slimmed down form, by removing some questions that were less relevant to the British context, as it was thought that this would help to increase the response rate. Furthermore, some of the questions were slightly re-formatted, while others were added to reflect the British context (for example, on ethnicity), and also to address the UCU's ongoing work and policy concerns in this area. Response rates can be influenced by questionnaire design, readability, layout and length,⁸ as well as time constraints, bad timing, work load and low respondent motivation.⁹ Hence, as with the European survey, these were all taken into consideration in the UCU study as far as possible. In addition, it was agreed that people completing the survey would have the chance to have their names and email addresses entered into prize draw, with the possibility of winning John Lewis vouchers worth £100, as previous studies¹⁰ had shown that such strategies can increase survey response rates.

The resultant survey, like the previous European survey, had four sections as follows: Section A - Academic Freedom in your Department/Faculty and your Institution (10 questions); Section B - Your Personal Experiences of Direct Challenges to Academic Freedom (12 questions); Section C - Some Questions About You (15 questions); Section D - Union Membership and Any Other Comments (3 questions). A copy of the on-line survey appears as Statistical Appendix 1 of this report. Once completed and approved, the survey was uploaded onto the Survey-Gizmo website, for which UCU has a subscription. Survey Gizmo has comparable functionality and similar advantages to those described for Survey Monkey above. The survey was launched on December 14th 2016, when the following email was sent to all UCU members:

Dear Colleague,

The UCU's Education Committee is undertaking research into the current status of, and protection for, academic freedom in UK higher education, with a view to making a report to the UCU Congress in 2017.

We are working with Professor Terence Karran (University of Lincoln) on this issue, including a survey of members' personal experience regarding the protection of academic freedom.

Your views are crucial to the union's ongoing work on improving the protection for academic freedom. So, please help us by filling in the short survey here:

<https://www.surveygizmo.com/s3/3222927/Academic-Freedom>

Yours faithfully,

Sally Hunt, UCU General Secretary

This initial email resulted in 1470 responses by 5th January 2017 and, on 12th January 2017, a reminder email was sent to UCU members. This had the effect of increasing the number of

⁸ W. Schofield, (2006) "Survey Sampling", in Sapsford, R., and Jupp, V., (eds.) *Data Collection and Analysis*. 2nd edition London: Sage/OUP, 26-55

⁹ A. Oppenheim, (2000) *Questionnaire Design, Interviewing and Attitude Measurement*, London: Continuum, 103-8.

¹⁰ K. Ralston, R. Connelly, S. Murray, C. Playford, (2010) "Methods in Survey Design to Improve Response Rates: A Review of the Empirical Evidence", School of Applied Social Science *Working Paper*, University of Edinburgh.

responses substantially, such that when it was decided to close the survey, in order to analyse the data, there were 2340 responses from UCU members. As Sánchez-Fernández et al., point out, the use of web-based surveys has “experienced phenomenal growth in recent years” and, despite the expectations that such surveys would surpass those of traditional survey methods (such as postal or telephone surveys), response rates have instead “fallen in an alarming manner”. They ascribe this fall, at least in part, to the “excessive number of surveys that individuals are requested to complete”.¹¹ The number of requests to complete web-based surveys received by academics (from the UCU and elsewhere) is possibly a reason for the (relatively) modest response to the survey. During the week in which the first email was sent out advising UCU members about the academic freedom survey, they also received emails, from the UCU, requesting them to complete surveys on other subjects; moreover, the proximity of the Christmas holidays may also have had an impact in damping down the initial response rate.

Measured against the 104,285 membership of the UCU, the response rate of 2340 seems relatively low. However, the membership includes not only h.e academics, and f.e. lecturers, but also (inter alia) trainers, instructors, researchers, managers, administrators, computer staff, librarians and postgraduates in universities, colleges, prisons, adult education and training organisations across the UK. Within the total membership of 104285, 78058 were employed as Academics, Lecturers or Tutors. It is this group for whom academic freedom is crucially important in enabling them to successfully undertake their academic, scholastic and research duties. Although it is impossible to check, it is likely that other UCU members who may have received an invitation, but who work as librarians, or in learning support or computing, would be less likely to complete the survey, as academic freedom has limited relevance to their job roles. Data cleaning to remove responses with insufficient completion rates (deemed to be <75% survey completion) resulted in the exclusion of 5 responses and a final dataset of 2335. Statistically, a sample of circa 2330 would be required in order to make meaningful statements about a population sized 78058, with a 2% margin of error with a 95% confidence level. In this instance the actual response for the survey was 2335, i.e. just above this threshold value. Margins of error refer to the plus-or-minus figure usually reported in newspaper opinion poll results. For example, if a margin of error of 2% is used and 47% percent of the sample picks an answer, you can be “sure” that if you had asked the question to the entire population, between 45% (47-2) and 49% (47+2) would have picked that answer. The confidence level indicates the certainty of the margin of error. It is expressed as a percentage and represents how often the true percentage of the population who would pick an answer that lies within the margin of error. With a 95% confidence level, there is 1 chance in 20 that we would get a false positive result. In this analysis, the significance level for the tests was set at 5%; however, where the significance of a statistical test is greater than 5% (for example, where it is 1%), this will be reported. The decision to use a 5% (as opposed to a 1% or 10% significance level) is arbitrary but as Gall et al.¹² and Cowles and Davis¹³, report, a 5% significance level is invariably used in studies of this kind, and across the social sciences.

Similarly, the statistical tests that are routinely employed in this study (ANOVA and Chi Square) are habitually used in analyses of social data of this kind. As required for the different questions in the survey, One-way ANOVA tests were carried out to determine the F statistic and the statistical

¹¹ J. Sánchez-Fernández, F. Muñoz-Leiva, F. Montoro-Ríos, (2012) “Improving retention rate and response quality in Web-based surveys”, *Computers in Human Behavior*, 28(2): 507

¹² M. Gall, J. Gall, & W. Borg, (2007) *Educational research: An introduction*, Boston, MA: Pearson Education

¹³ M. Cowles & C. Davis, (1982) “On the origins of the .05 level of statistical significance”, *American Psychologist*, 37(5) 553-558

significance of the difference between the means of the two independent groups, that is, between the UCU members and the EU academics. As appropriate, following Salkind,¹⁴ ANOVA was used to compare the mean values of variables of the two independent (UCU and EU) samples. In line with standard statistical practice, the null hypothesis is accepted if there is no statistical difference between the two means of the two groups, where $p > 0.05$. The null hypothesis is rejected if $p < 0.05$. ANOVA does have limitations, in that it assumes that the variables are normally distributed. Despite this limitation, ANOVA can still be used even if the data is not normally distributed, as it is not very sensitive to moderate deviations from normality. Studies by Harwell et al.¹⁵ and Lix et al.¹⁶ have shown that results, using a variety of non-normal distributions, were not affected very much by this violation of the assumption of normality. This is because when large random samples from a population are taken, as in the case of this study, the means of those samples are approximately normally distributed even when the population may not be normal. Hence an implicit assumption of ANOVA is homogeneity of variance¹⁷. However, where this assumption is broken, this problem can be rectified using Welch's F correction.¹⁸ In their appraisal of Welch and other ANOVA alternatives,¹⁹ to use under conditions of variance heterogeneity, Tomarken and Serlin concluded that: "On the basis of superior control of Type I errors and greater power, the Welch test proved to be the procedure of choice ... This recommendation applies whether sample sizes are equal or directly or inversely paired with variances".²⁰ Hence in this analysis, standard ANOVA techniques will be used; where the underlying assumptions of the ANOVA test are jeopardized, recourse will be made to Welch's correction. Additionally, where appropriate, the non-parametric Chi Squared test has been employed in this study. An advantage of Chi-Square over One-way ANOVA is that whereas the One-way ANOVA is based on the comparison of means between the two independent groups, Chi-Square compares the actual counts within the categories and compares this with the expected data that would be obtained according to a specific hypothesis. This test was appropriate to analyse categorical data where data had been counted and divided into categories according to the two groups, UCU and EU respondents. As necessary, the Chi-Square test was used to compare responses of the two groups to individual questions thereby determining whether there exists a significant difference between the groups for categorical variables. As some respondents deliberately omitted some questions, the sample may be subject to slight variation between questions. However, in sum, the statistical techniques used in this study, and the setting of the relevant parameters (sample size, confidence levels,

¹⁴ N. Salkind, (2004) "Two groups too many? Try analysis of variance", in (eds.) L. Shaw, M. Crouppen, D. Axelsen, & L. Lech, *Statistics for people who think they hate statistics*, Thousand Oaks, CA: Sage Publications Inc, pp. 193-211.

¹⁵ M. Harwell, E. Rubinstein, W. Hayes & C. Olds, (1992) "Summarising Monte Carlo results in methodological research: the One and Two factor fixed effects ANOVA cases", *Journal of Education Statistics*, 17(4): 315-339.

¹⁶ L. Lix, J. Keselman, & H. Keselman, (1996) "Consequences of assumption violations revisited: A quantitative review of alternatives to the one-way analysis of variance F test", *Review of Educational Research*, 66(4): 579-61.

¹⁷ For a discussion of this issue, and how it is addressed by SPSS, see A. Field, (2013) *Discovering Statistics using IBM SPSS Statistics*, (3rd Edition) London: Sage publications, p. 442 et seq.

¹⁸ B. Welch (1951) "On the Comparison of Several Mean Values: An Alternative Approach", *Biometrika*, 38(3/4): 330-336

¹⁹ M. Brown & A. Forsythe, (1974) "The small sample behavior of some statistics which test the equality of several means", *Technometrics*, 16(1): 129-132.

W. Kruskal-Wallis & W. Wallis, (1952) "Use of ranks in one-criterion variance analysis", *Journal of the American Statistical Association*, 47(260): 538-621.

B. van der Waerden, (1952) "Order tests for the two-sample problem and their power", *Indagationes Mathematicae*, 14: 453-458.

²⁰ A. Tomarken & R. Serlin, (1986) "Comparison of ANOVA alternatives under variance heterogeneity and specific noncentrality structures", *Psychological Bulletin*, 99(1): 90.

etc.) are in line with standard social science research practice. The data gathered by the survey will be addressed in accordance with the differing sections of the survey used to gather it.

4 Academic Freedom in Respondents’ Departments, Faculties and Institutions

The data from the UCU survey, and also from the European survey (less the responses from the UK, to avoid any possibility of double counting) were combined in one large ‘working’ Excel dataset file, which was then input into SPSS (Statistical Package for the Social Sciences) and used for all the statistical tests. SPSS is habitually used in social analyses of this kind, not only in academia, but also in business; for example, it is used by insurance companies to calculate mortality rates and assess insurance risks. The first part of the survey looked at academic freedom at institutional and departmental levels.

Question 1 was a free text question which asked: From your own perspective, please write in the comment box below what academic freedom means to you. This question was designed to provide an easy introduction to the survey and explicitly demonstrate that we wished to hear what people had to say on the subject. 2207 respondents answered this question, which generated a huge volume of text (76,000 words), as did the identical question on the EU survey. Constraints of time made it impossible to analyse this textual data in any meaningful way. However, this data is available for scrutiny in the statistical tables.

Question 2: Does the institution in which you work have an official policy documents outlining the protection for academic freedom?

Table 1 Existence of official institutional policy document for academic freedom

Response	% EU	% UCU
No	24.1	13.1
Yes	15.3	15.5
I don’t know	60.6	71.5
All (n=6521)	100 (n=4194)	100 (n=2327)
$\chi^2 = 118.436$ 2 df Significant at 1% Level		

Table 1 provides the breakdown of responses for question 2. As can be seen, only 15% of respondents, in both the UCU and the EU cohorts, knew that there was an official policy document for academic freedom in their institutions. The relative numbers of respondents reporting that no such document existed in their university demonstrate that the existence of such documents is less pervasive in the EU nations, than in the UK. One possible reason for this could lie in the fact that, as was demonstrated in the earlier report on *de jure* protection, there is stronger constitutional and legal protection for academic freedom in the EU nations than in the UK; hence institutional documents may be unnecessary. What is startling about the figures in the table is the general level of ignorance, in both groups (but which is particularly marked in the UK), concerning whether their institution had an official policy document relating to academic freedom.

Given the assumed importance of academic freedom, it is surprising that 7 out of 10 UK academics who responded to this question had no idea whether or not their university had a policy on academic freedom. The profile of responses displayed in table 1, and the resultant Chi Squared statistic, demonstrates that the differences in the responses between the UCU and EU cohorts are statistically significant.

Question 3: To what extent do you believe that academic freedom is protected in your institution, on the scale of 1 (very low protection) to 9 (very high protection)?

Table 2.1 Level of protection for academic freedom in respondents' institutions

Response	% EU	% UCU
1 = Very Low Level of Protection	3.4	10.9
2	4.0	7.4
3	5.6	9.4
4	6.3	9.9
5= Average Level of Protection	20.6	30.7
6	11.0	9.9
7	20.8	11.3
8	18.5	7.5
9 = Very High Level of Protection	9.9	3.0
All (n=6483)	100 (n=4172)	100 (n=2311)
One Way ANOVA: F =593.854 1 df Significant at 1% Level		

Question 3 asked respondents to score the level of protection for academic freedom within their institution on a scale of 1 (very low) to 9 (very high); the results are shown in table 2 above. As can be seen, there are stark differences between the results for the two cohorts. 10% of the UCU cohort reported the lowest level of protection possible, which was three times that reported by EU respondents. At the other end of the scale, the positions are reversed, in that only 3% of UCU members believed that the protection for academic freedom in their institution was very high, compared with 9% in the EU nations.

Calculating the mean scores reveals similar differences – the mean scale score for UCU members was 4.7 out of 9, i.e. below the central scale point, while that for the EU was 6.0, i.e. above the central scale point. Similarly, collapsing the nine point scale into three categories produces an enhanced picture of the difference between the EU and UCU data, as is shown in table 3 below. Nearly half of the EU respondents believe that there is an above average level of

protection for academic freedom in their institutions, while half of all UCU respondents consider the level of protection to be average. The proportion of UCU members who consider the level of protection to be generally low is more than twice that of their EU counterparts. The calculation of the χ^2 value for the aggregated raw data for these collapsed categories (which is necessary, as χ^2 cannot be calculated from percentages), shows these differences between the UCU and EU respondents to be significant at the 1% level. These tables demonstrate that the generally low level of constitutional and legal protection for academic freedom in the UK, as was revealed by the *de jure* analysis, is mirrored by, rather than mitigated by, the cultural commitment to academic freedom that exists within universities at departmental level. This difference between the UK and the other nations of Europe is both striking and profound. A decade ago, when the first author initially examined the legal protection for academic freedom in EU, and revealed the comparatively parlous state of the UK, he was rebuked by Professor Conor Gearty, director of the Centre for the Study of Human Rights at the London School of Economics. Gearty²¹ made the point that it was important to distinguish between formal constitutional law and how it was implemented, and stated: "Practice on the ground often reveals a stronger cultural commitment to freedom than is apparent from perusal of the laws." The information in tables 2.1 and 2.2 would suggest that, in relation to the UK at least, he is in error.

Table 2.2 Level of protection for academic freedom in respondents' institutions: collapsed categories

Response	% EU	% UCU
Generally Low Level of Protection Categories 1 to 3	12.9	27.7
Average Level of Protection Categories 4 to 6	37.9	50.5
Generally High Level of Protection Categories 7 to 9	49.2	21.8
All (n=6483)	100 (n=4172)	100 (n=2311)
$\chi^2 = 515.282$ 2 df Significant at 1% Level		

Question 4: Does the department in which you work have an official policy documents outlining the protection for academic freedom?

²¹ C. Gearty, (2007) "UK Lowest on Freedom List", *Times Higher Education*, September 28th

Table 3 Existence of official departmental policy document for academic freedom

Response	% EU	% UCU
No	34.0	37.5
Yes	13.6	2.3
I don't know	52.3	60.2
All (n=6617)	100 (n=4302)	100 (n=2315)
$\chi^2 = 219.9$ 2 df Significant at 1% Level		

The results of the responses to question 4 (which follows on from question 2, that asked about the existence of an institutional policy document, and is reported in table 1) are given in table 3 above. The results show that about the same proportion (just over a third) of UCU and EU respondents report that they have no departmental policy document for academic freedom. However, a greater proportion of EU than UCU respondents report that such a document exists in their departments. The level of ignorance about whether such a document exists is similar for EU and UCU cohorts and, while still appalling (less than half of respondents knew whether such a document existed), is not quite as bad as was reported with respect to institutional documents on academic freedom. As with the results in table 1, table 3 shows that the differences between the UCU and EU cohorts are significant; moreover the χ^2 value in table 3 (219.9) is greater than that in table 1 (118.4) suggesting a more significant difference, although this could reflect differences between the samples, as some people may have chosen to answer question 2, but not question 4, and vice versa, although such occurrences are unlikely to be widespread.

Question 5: To what extent do you believe that academic freedom is protected within the academic unit (Department/School/Centre) in which you work, on the scale of 1 (very low protection) to 9 (very high protection)?

The results of the responses to question 5 (which follows on from question 3, that asked about the level of protection at institutional level, and which are reported in table 2.1) are given in table 4.1 below. As can be seen clearly, at the lower levels of protection (1 through 4) the proportions relating to the UCU cohort exceed those of the EU – for example 11% of UCU respondents report the very lowest level of protection in their departments, as against only 3% for the EU cohort. The position is then reversed when looking at the highest level of protection. So 12.5% of EU respondents believe that the level of protection at departmental level is very high, while the equivalent figure for the UCU is half that, at 6.3%. Comparisons reveal that the results in table 4.1 (protection at departmental level) are very similar to those of table 2.1 (protection at institutional level), although the differences between the UCU and the EU cohorts are somewhat greater for departmental (than institutional) protection at the lowest level of protection, and less marked at the highest level of protection.

Table 4.1 Level of protection for academic freedom in respondents' academic units.

Response	% EU	% UCU
1 = Very Low Level of Protection	3.0	11.0
2	3.7	8.1
3	4.6	8.4
4	5.2	8.5
5= Average Level of Protection	18.6	23.3
6	10.2	10.1
7	21.1	13.9
8	21.1	10.4
9 = Very High Level of Protection	12.5	6.3
All (n=6499)	100 (n = 4196)	100 (n = 2303)
Welch ANOVA: F=475.011 1 df Significant at 1% level		

Calculating the mean scores for the UCU and EU cohorts reveals similar differences – the mean scale score for UCU members was 5.0 out of 9, i.e. exactly on the central scale point, while that for the EU was 6.28, i.e. above the central scale point. Both these figures suggest a belief in a stronger level of protection at departmental level, when compared with institutional level, for both cohorts. As before, collapsing the nine point scale into three categories produces an enhanced picture of the difference between the EU and UCU data, as is shown in table 4.2 below. The proportion of UCU respondents considering the level of protection for academic freedom at departmental to be generally low was 11.3% - the comparable figure for UCU respondents is more than twice this, at 27.5. For the middle/average level of protection (scale scores 4-6), the respective total for the UCU was over 40%, compared to circa a third for EU respondents. At the highest levels of protection (i.e. scale scores 7-9), the proportion for EU respondents was over half (54.7) while that for UCU respondents was under a third (30%). Yet again, the level of protection for academic freedom perceived to operate at departmental level is markedly lower among UCU members than it is among EU respondents. The calculation of the χ^2 value for the raw data for these collapsed categories (which is necessary, as χ^2 cannot be calculated from percentages), shows these differences between the UCU and EU respondents to be statistically significant at the 1% level.

Table 4.2 Level of protection for academic freedom in respondents' departments: collapsed categories

Response	% EU	% UCU
Generally Low Level of Protection Categories 1 to 3	11.3	27.5
Average Level of Protection Categories 4 to 6	34.0	41.9
Generally High Level of Protection Categories 7 to 9	54.7	30.6
All (n=6499)	100 (n = 4196)	100 (n = 2303)
$\chi^2 = 439.533$ 2 df Significant at 1% Level		

Question 6: Can complaints by staff regarding academic freedom violations in the institution in which you work be directed to an institutional and/or department/faculty grievance body?

Table 5 Existence of an institutional and/or department/faculty grievance body

Response	% EU	% UCU
No	15.9	11.0
Yes	33.5	18.6
I don't know	50.6	70.4
All (n=6515)	100 (n = 4198)	100 (n = 2317)
$\chi^2 = 245.684$ 2 df Significant at 1% Level		

The advancement of knowledge by university staff is premised on challenging, through research, whether existing knowledge is accurate and tenable. So, by definition, this process can be contentious, such that within the waft and warp of normal academic life, disagreements between individuals on a range of issues will occur. Sometimes such disputes will escalate, and lead to the infringement of one academic's freedom by another departmental member. Hence, in order to protect academic freedom, there needs to be a grievance body to which staff can turn, at an institutional or departmental level, that offers some form of adjudication. Table 5 above provides information relating to the existence of such bodies, and the knowledge of staff concerning them. As can one third of the EU respondents reported the existence of such a body, the comparable figure for UCU members was less than a fifth. By contrast, 11% of UCU respondents and 16% of EU respondents reported that such a body did not exist in their institutions. However the majority

of staff, from both the UCU and EU cohorts, were unaware as to whether or not such a body existed. Arguably, it is difficult to see how academic freedom can flourish, in the face of such ignorance.

Question 7: To what extent do you believe that the protection for academic freedom at the institutional, faculty and departmental level has changed in recent years?

This question required respondents to reflect as to whether the protection for academic freedom at their institution and department had increased, declined, or remained constant in recent years, the results of which are shown in table 6. In both UCU and EU cohorts a significant number of respondents were unable to say, or did not know, whether the protection for academic freedom had changed (35.2% and 29.6% respectively). A much greater proportion (52.1%) of UCU members than EU respondents (33.9%) thought that the protection for academic freedom had diminished or greatly diminished. Not surprisingly, perhaps, relatively few respondents thought that protection for academic freedom had increased to any extent; however, there was a marked difference between the EU respondents and the UCU members; 6% of the EU respondents considered this to be the case compared with just 1.1% of UCU members. These figures are indicative of a lowering of protection for academic freedom across all EU states, but which is particularly noticeable in the UK, moreover the differences between the two cohorts is statistically significant at the 1%.

Table 6 Changes in the protection for academic freedom

Response	% EU	% UCU
I don't know/cannot say	29.6	35.2
Greatly diminished	8.4	20.5
Diminished	25.5	31.6
Remained unchanged	30.6	11.7
Increased	5.3	0.9
Greatly increased	0.7	0.2
All (n=6534)	100 (n = 4207)	100 (n = 2327)
$\chi^2 = 519.341$ 5 df Significant at 1% level		

Question 8: Are you familiar with the following international and national legal instruments that seek to protect and promote academic freedom: UNESCO's 1997 *Recommendation concerning the Status of Higher Education Teaching Personnel*; The 1988 Education Reform Act?

Question 8 refers to UK legislation on academic freedom (the 1988 Education Reform Act) and the more detailed UNESCO 1997 *Recommendation* which contains comprehensive guidelines for the protection of all the facets of academic freedom (for teaching and research, but also shared governance, individual and institutional autonomy and tenure). The UNESCO document, which

was signed by the (then) Overseas Development Minister, Claire Short on the U.K.'s behalf, is widely recognised as an international benchmark for the protection of academic freedom. The Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation Concerning the Status of Teachers (CEART) was established to hear complaints by individuals, institutions and NGOs with respect to failures to honour the 1997 *Recommendation*. The responses to this question are shown in tables 7.1 and 7.2 below. Less than 10% of UCU respondents indicated that they were familiar with the UNESCO document, compared with 15% of EU respondents. These relatively low figures are somewhat surprising, given that (as can be seen in table 8.3 below) 49.2% of EU respondents and 41.7% of UCU respondents claimed to have an adequate working knowledge of academic freedom and its associated rights and responsibilities. The question about knowledge of the 1988 Education Reform Act, under which tenure was abolished in the U.K., has no salience for EU academic staff, and hence did not appear in the EU survey.

Table 7.1 Knowledge of UNESCO's 1997 *Recommendation concerning the Status of Higher Education Teaching Personnel*

Response	% EU	% UCU
Yes	15.6	9.9
No	84.4	90.1
All (n=6550)	100 (n = 4215)	100 (n = 2335)
$\chi^2 = 41.881$ 1 df Significant at 1% Level		

Table 7.2 Knowledge of the U.K.'s 1988 Education Reform Act

Response	% UCU
Yes	20.6
No	79.4
All (n=2335)	100 (n = 2335)

The results in table 7.2 show that 20% of UCU respondents had heard of this legislation. Clearly (and not surprisingly), UCU respondents had greater knowledge of UK than international legal instruments. However, given that the ERA is frequently cited as providing protection for academic freedom in the UK, indeed, Farrington states categorically that: "The only formal protection of academic freedom in English law is under the Education Reform Act 1988 s202(2)(a)",²² it is surprising that only one 1 in 5 UCU respondents claims to be familiar with it. It is difficult to

²² D. Palfreyman (2007) "Is academic freedom under threat in UK and US higher education?", *Education and the Law*, 19(1): 24.

understand how +40% of UCU respondents can claim to have an adequate knowledge of academic freedom, when half this proportion do not know about the 1988 Education Reform Act.

Question 9: Respondents' personal knowledge/experience of academic freedom issues:

Question 9 was a composite question which required respondents to utilise a five point scale to indicate the extent of their relative agreement/disagreement with the following statements:

- *My institution has provided me with an adequate introduction to the concept of academic freedom.*
- *Institutions at which HE courses are taught should be encouraged to organise academic freedom readings and discussions for staff.*
- *I have an adequate working knowledge of the concept of academic freedom and the rights and responsibilities associated with it.*
- *I would welcome additional information on the concept of academic freedom and the rights and responsibilities associated with it.*
- *I have an adequate working knowledge of the regulations, practices and policies governing the protection for academic freedom within the institution in which I work.*
- *I would welcome additional information on the regulations, practices and policies governing the protection for academic freedom within the institution in which I work.*
- *I have a better understanding of the concept of academic freedom today than I did when I began working in higher education.*

The results are shown in tables 8.1 to 8.7 below.

Table 8.1 My institution has provided me with an adequate introduction to the concept of academic freedom

Response	% EU	% UCU
Strongly Agree	2.8	1.3
Agree	12.8	3.3
Neither agree nor disagree	24.3	14.3
Disagree	33.9	36.5
Strongly disagree	26.1	44.7
All (n=6501)	100 (n = 4189)	100 (n = 2312)
Welch ANOVA: F=440.958 1 df Significant at the 1% level		

The tables provide an enlightening empirical mosaic as to the knowledge of h.e. staff in the UK and EU concerning the concept of academic freedom, and their desire to improve their understanding, by means of additional information and training. As with the previous tables, although there are similarities in sentiment between the two UCU and EU cohorts, in five instances out of six, the differences between the two are statistically significant. Turning first to

table 8.1, only 5 in 100 UCU respondents strongly agreed/agreed that their institution had provided them with an adequate introduction to academic freedom; the comparable figure for the EU cohort was nearly triple this. Over 80% of UCU respondents thought that their institution had failed to provide an adequate introduction to the concept; the comparable figure for the EU was 66%. It is therefore not surprising that table 8.2 shows both cohorts were equally unanimous (EU=74.3%, UCU=72.7%) in agreeing that their institution should organise readings on academic freedom and staff discussions on the topic.

Table 8.2 Institutions at which HE courses are taught should be encouraged to organise academic freedom readings and discussions for staff

Response	% EU	% UCU
Strongly Agree	25.6	29.4
Agree	48.7	43.3
Neither agree nor disagree	19.3	19.1
Disagree	5.1	5.0
Strongly disagree	1.3	3.1
All (n=6518)	100 (n = 4195)	100 (n = 2313)
Welch ANOVA: F=0.239 1 df Not Significant		

Tables 8.3 and 8.4 (below) address whether respondents have an adequate working knowledge of academic freedom, and whether they need additional information on it. Despite being ignorant as to whether their department or institution has an academic freedom policy document (tables 1 and 4), and believing that the level of protection is low, indeed, has diminished in recent years (tables 2, 5, 8), nearly half the EU respondents and 41.7% of the UCU respondents claimed to have an adequate working knowledge of academic freedom. Hence a greater proportion of staff claimed to have an adequate working knowledge, than made a contrary claim, and the difference between the two (EU and UCU) cohorts was statistically significant. However, despite the majority claiming to have adequate knowledge of academic freedom, table 10.4 shows that 74% of EU and 81.6% of UCU respondents said they would welcome more information on the subject. It is worth considering: if your knowledge of the topic is adequate, why would you want more information? These unusual results suggest that the knowledge that academics profess to have with respect to academic freedom, is probably at variance with the reality of the situation.

Table 8.3 I have an adequate working knowledge of the concept of academic freedom and the rights and responsibilities associated with it:

Response	% EU	% UCU
Strongly Agree	11.2	7.8
Agree	38.0	33.9
Neither agree nor disagree	23.9	25.0
Disagree	21.3	24.8
Strongly disagree	5.6	8.5
All (n=6504)	100 (n = 4188)	100 (n = 2316)
One way ANOVA: F=51.133 1 df Significant at the 1% level		

Table 8.4 I would welcome additional information on the concept of academic freedom and the rights and responsibilities associated with it

Response	% EU	% UCU
Strongly Agree	24.3	33.4
Agree	49.7	48.2
Neither agree nor disagree	18.4	13.8
Disagree	6.0	3.5
Strongly disagree	1.6	1.1
All (n=6485)	100 (n = 4182)	100 (n = 2303)
Welch ANOVA: F=81.348 1 df Significant at the 1% level		

Table 8.5 provides data on respondents' working knowledge of the regulations and practices governing academic freedom protection in their institutions. As can be seen this table mirrors that of 8.3. above, in that only 12% of UCU respondents claimed to have an adequate working knowledge of institutional regulations governing the protection for academic freedom; in contrast the comparable figure for European respondents was 27.6%, more than twice the UCU figure, which suggests either that higher education institutions in Europe are better able to keep their staff informed about such matters, or that staff in Europe are more concerned about institutional policies and therefore make the effort to ensure that they are aware of what they comprise.

Table 8.6 gives information on whether staff would welcome additional practical information on the regulations and policies on academic freedom in their institutions. This table's results largely mirror those of table 8.4, but with slightly more staff wishing for practical advice (table 8.6) than for information on the concept of academic freedom (table 8.4).

Table 8.5 I have an adequate working knowledge of the regulations, practices, and policies governing the protection for academic freedom within the institution in which I work

Response	% EU	% UCU
Strongly Agree	5.1	2.0
Agree	22.5	10.0
Neither agree nor disagree	26.4	19.6
Disagree	34.4	44.4
Strongly disagree	11.6	24.1
All (n=6481)	100 (n = 4173)	100 (n = 2302)
Welch ANOVA: F=408.413 1 df Significant at the 1% level		

Table 8.6 I would welcome additional information on the regulations, practices and policies governing the protection for academic freedom within the institution in which I work

Response	% EU	% UCU
Strongly Agree	22.5	33.5
Agree	52.0	49.9
Neither agree nor disagree	18.2	11.9
Disagree	6.0	3.4
Strongly disagree	1.3	1.3
All (n=6481)	100 (n = 4178)	100 (n = 2303)
One way ANOVA: F=106.128 1 df Significant at the 1% level		

Table 8.7 examines whether respondents' understanding of academic freedom is greater now than when they first began working in higher education. Half of the EU respondents thought that their understanding had improved, when compared with 37.3% of UCU respondents; conversely, a greater % of UCU (33.0%), than EU (22.4%) respondents disagreed that their understanding of the concept had improved. This data could be a reflection of, inter alia, the length of time respondents have been working in h.e. and their age profile. Thus if a member of staff was employed at (say) a university in Finland for 20 years, their understanding of the concept would doubtless have improved to a greater extent than a UK lecturer who had been in post for only two years.

Table 8.7 I have a better understanding of the concept of academic freedom today than I did when I began working in higher education

Response	% EU	% UCU
Strongly Agree	14.5	9.4
Agree	36.3	27.9
Neither agree nor disagree	26.7	29.6
Disagree	15.7	22.9
Strongly disagree	6.7	10.1
All (n=6492)	100 (n = 4177)	100 (n = 2315)
One way ANOVA: F=126.643 1 df Significant at the 1% level		

Question 10: Asked respondents to write down any other comments/opinions that they wished to make, concerning academic freedom in their department/faculty and institution. Of the respondents, 884 chose to do this, much fewer than the +2000 who completed question 1. Given that respondents had been given the invitation to express their personal thoughts on the topic in the first question on the survey, they were less likely to respond to this question. Despite this, circa one third of respondents proffered their opinion. However, the responses, which are given in Statistical Appendix 1, are generally in line with the opinions expressed in the closed questions, and paint a picture of academic freedom under threat and in retreat.

5 Respondents' Personal Experiences of Direct Challenges to Academic Freedom

The second part of the survey looked at respondents' personal experiences of direct challenges to their academic freedom. As before, this section used a series of dichotomous (yes/no) and Likert scale questions.

Question 11: Respondents' experience of challenges to their academic freedom resulting from disciplinary action, or the threat of it:

Question 11 was a composite question which examined intra-mural and extra-mural utterance, and required respondents to indicate whether they had ever been subjected to informal or formal disciplinary action, or the threat of disciplinary action (up to, and including, dismissal) because of:

- *Academic views they expressed in their teaching*
- *Academic views they expressed in a research publication*
- *Views they expressed in a non-public forum within your institution (for example, in a meeting of Senate or Academic Board)*
- *Views they expressed in a public forum outside your institution (for example, in a local or national newspaper, or in a television or radio programme)*
- *Views they expressed elsewhere*

The results are shown in tables 9.1 to 9.5 below.

Although there are statistically significant differences between the UCU and EU cohorts in three out of five instances, with respect to these questions (and the results in Tables 9.1 to 9.5)

generally, it appears that the use of disciplinary action, or the threat of such action, is relatively rare – in most cases the proportion of staff reporting such threats is 6% or less. The occurrence of threats which result from academic utterance, with respect to teaching or research dissemination (two major aspects of academic freedom), is very low. Threats appear most likely to occur following academic views expressed within the institution, in non-public bodies such as Senate or Academic Board, suggesting that academic shared governance (another major supportive element of academic freedom) may be more contentious, than freedom for teaching or research, but even then, such occurrences affect only 1 person in 12 (8%) of the academic community. Generally, the formal or informal use, or threat, of disciplinary action is negligible.

Table 9.1 Subjected to disciplinary action, or the threat of disciplinary action because of academic views expressed in teaching

Subjected to/threatened with disciplinary action for:	Response	% EU	% UCU
Academic views expressed in teaching	Yes	5.3	5.7
	No	94.7	94.3
All (n=6439)		100 (n = 4141)	100 (n = 2298)
$\chi^2 = 0.473$ 1 df Not Significant			

The low occurrence of such actions, however, does not diminish the devastating effect they may have on the small number of staff effected, as the examples of (inter alia) Hicham Yezza and Rizwaan Sabir²³ from the University of Nottingham, and Aubrey Blumsohn²⁴ from the University of Sheffield, make clear.

Table 9.2 Subjected to disciplinary action, or the threat of disciplinary action because of academic views expressed in a research publication

Subjected to/threatened with disciplinary action for	Response	% EU	% UCU
Academic views expressed in a research publication	Yes	5.0	2.8
	No	95.0	97.2
All (n=6428)		100 (n = 4142)	100 (n = 2286)
$\chi^2 = 16.55$ 1 df Significant at 1% level			

²³ For full details, see M. Daly & S. Matthews, (2009) *Academic freedom and the University of Nottingham*, York: Zoilus Press

²⁴ C. Dyer, (2009) “Aubrey Blumsohn: Academic who took on industry”, *British Medical Journal*, 339: b5293.

Table 9.3 Subjected to disciplinary action, or the threat of disciplinary action because of academic views expressed in a non-public forum in your institution (e.g. Senate, Academic Board)

Subjected to/threatened with disciplinary action for	Response	% EU	% UCU
Academic views expressed in a non-public forum in your institution (e.g. Senate, Academic Board)	Yes	7.8	8.4
	No	92.2	91.6
All (n=6440)		100 (n = 4141)	100 (n = 2299)
$\chi^2 = 0.71$ 1 df Not Significant			

Table 9.4 Subjected to disciplinary action, or the threat of disciplinary action because of academic views expressed in a public forum outside your institution (local/national newspaper, radio/tv programme)

Subjected to/threatened with disciplinary action fo	Response	% EU	% UCU
Academic views expressed in a public forum outside your institution (e.g. local newspaper)	Yes	5.6	4.1
	No	94.4	95.9
All (n= 6429)		100 (n = 4140)	100 (n = 2289)
$\chi^2 = 7.068$ 1 df Significant at 1% level			

Table 9.5 Subjected to disciplinary action, or the threat of disciplinary action because of academic views expressed elsewhere - neither within the institution or a public forum)

Subjected to/threatened with disciplinary action for	Response	% EU	% UCU
Academic views expressed elsewhere (neither within the institution or in a public forum)	Yes	4.6	6.8
	No	95.7	93.2
All (n= 6489)		100 (n = 4215)	100 (n = 2274)
$\chi^2 = 18.319$ 1 df Significant at 1% level			

Question 12: This question was designed to enable respondents who had been subjected to disciplinary action, or the threat of it, for expressing their academic views, either within their h.e.i.s or in a public forum to provide details. As can be seen in table 9.5, the number of respondents for whom this question was relevant were relatively small; in fact there were only 168 respondents. Scrutiny of the text responses to this question failed to elucidate any specific trends or common themes, but some of the responses provide graphic accounts of how severely some universities seek to punish staff even when, for example, staff whistleblowing reveals serious fraud. Details of these comments are provided in Statistical Appendix 1.

Question 13: was a composite question which asked respondents to indicate whether, because of their academic views they had ever been subjected to/threatened with the following sanctions:

- *Denial of promotion.*
- *Demotion to a lower position.*
- *Being moved to another department/centre/unit.*
- *Being given different/fewer/additional administrative tasks.*
- *Being given different/fewer/additional teaching or research duties.*
- *Removal of research funding/facilities/equipment.*
- *Bullying by academic colleagues.*
- *Another form of sanction*

The results are shown in tables 10.1 to 10.8 below. The first two elements of question 13 concern threats with respect to changes in the employment contract of respondents (promotion denial and demotion) for academic views expressed. As can be seen the threat of demotion is relatively uncommon - less than 4% of both cohorts report this occurrence. The situation with respect to denial of promotion is more common: 1 respondent in 10 among the EU cohort, and 1 in 8 of the UCU cohort reported such sanctions being used against them. The χ^2 statistic shows that the differences between the cohorts is significant – such threats are more likely in institutions in the UK, than in the EU nations. However, such threats may have greater occupational salience in the EU, in that in some nations (such as Spain), the denial of promotion may constitute a denial of tenure for the person affected.

Table 10.1 Subjected to/ threatened with denial of promotion because of academic views expressed in teaching

Subjected to/threatened with the following sanctions because of academic views held:	Response	% EU	% UCU
Denial of promotion	Yes	10.2	11.9
	No	89.8	88.1
All (n=6403)		100 (n = 4120)	100 (n = 2283)
$\chi^2 = 4.508$ 1 df Significant at 5% level			

Table 10.2 Subjected to/ threatened with demotion because of academic views expressed in teaching

Subjected to/threatened with the following sanctions because of academic views held:	Response	% EU	% UCU
Demotion to a lower position	Yes	3.7	3.8
	No	96.3	96.2
All (n=6378)		100 (n = 4113)	100 (n = 2265)
$\chi^2 = 0.117$ 1 df Not Significant			

The next three elements concern threats to move staff, or to alter their administrative and teaching and research duties, because of the academic views they may hold. Table 10.3 shows that being moved to another department is a very rare event, and that its occurrence is as frequent among UCU respondents as it is among EU respondents. This may be because such moves would require the acquiescence of another departmental head and, moreover, possible approval at a more senior level (e.g. Dean, or Pro-Vice Chancellor). By contrast, as tables 10.4 and 10.5 show, being given different and/or additional tasks is a more frequent modus of sanction. 1 in 12 EU respondents and 1 in 8 UCU respondents reported having changes made to their administrative tasks a form of sanction, and the difference between the two cohorts is statistically significant. Table 10.5 shows that changes to teaching and research duties were also used as a form of punishment, and at a greater level of frequency. Yet again, UCU members are more likely to report such practices than their EU counterparts. Such statistics reflect badly on the UK academic profession, suggesting (as they do) that in an average sized department (circa 30 staff²⁵) of a UK university or f.e. institution, 3 or 4 staff may have been routinely subjected to such punitive treatment.

Table 10.3 Subjected to/ threatened with being moved to another department/centre/unit because of academic views expressed in teaching

Subjected to/threatened with the following sanctions because of academic views held:	Response	% EU	% UCU
Being moved to another department/centre/unit.	Yes	4.2	3.8
	No	95.8	96.2
All (n=6382)		100 (n = 4117)	100 (n = 2265)
$\chi^2 = 0.481$ 1 df Not Significant			

Table 10.4 Subjected to/ threatened with being given different/fewer/additional administrative tasks because of academic views expressed in teaching

Subjected to/threatened with the following sanctions because of academic views held:	Response	% EU	% UCU
Given different/fewer/additional administrative tasks	Yes	8.2	12.2
	No	91.8	87.8
All (n=6383)		100 (n = 4119)	100 (n = 2264)
$\chi^2 = 27.051$ 1 df Significant at 1% level			

²⁵ M. Deschryvere, (2009) "A comparative survey of structural characteristics of Finnish university departments", *ETLA Discussion Paper No. 1195*, Helsinki: ETLA, p. 4

Table 10.5 Subjected to/threatened with different/fewer/additional teaching or research duties because of academic views expressed in teaching

Subjected to/threatened with the following sanctions because of academic views held:	Response	% EU	% UCU
Given different/fewer/additional teaching or research duties	Yes	9.2	13.2
	No	90.8	86.5
All (n=6391)		100 (n = 4120)	100 (n = 2271)
$\chi^2 = 24.625$ 1 df Significant at 1% level			

The next element of question 13 looked at threats to remove research funding and facilities from staff, because of the academic views they hold. Table 10.6 shows that this occurs to about 1 in 14 of respondents, in both the UCU and EU cohorts, and hence this sanction seems to be used relatively infrequently. This is probably because such punishments are not within the purview of Heads of Departments. Grants, both from government and other funding bodies (such as charitable foundations like the UK Leverhulme Foundation), are awarded to individual researchers, and attempts to remove them would probably risk the institution being accused of fraud or financial maladministration. Additionally, many academics, by the nature of their chosen subject specialism, may not require dedicated technical equipment. Hence the threat of removal of access to (for example) chemical laboratories or television studios may pose a threat to Professors of Chemistry or of Media Studies, but could not easily be deployed against a Professor of Divinity or of Italian Studies, although the latter could be threatened by reduced funds for travel.

Table 10.6 Subjected to/threatened with removal of research funding/facilities/equipment because of academic views expressed in teaching

Subjected to/threatened with the following sanctions because of academic views held:	Response	% EU	% UCU
Removal of research funding, facilities or equipment	Yes	7.2	7.1
	No	92.8	92.9
All (n=6367)		100 (n = 4104)	100 (n = 2263)
$\chi^2 = 0.005$ 1 df Not Significant			

The next element of question 13 examined whether respondents were subjected to bullying by academic colleagues because of the academic views they held. As can be seen in table 13.7, 14.1% (1 in 7) of the EU respondents reported being subjected to bullying, and 23.1% (almost 1 in 5) of the UCU respondents reported similar occurrences. The χ^2 test shows that the difference between the EU and UCU cohorts is statistically significant; also the size of the χ^2 statistic with respect to bullying is greater than those for all other forms of sanction reviewed in question 13.

Table 10.7 Subjected to/threatened with bullying by academic colleagues because of academic views expressed in teaching

Subjected to/threatened with the following sanctions because of academic views held:	Response	% EU	% UCU
Bullying by academic colleagues.	Yes	14.1	23.1
	No	85.9	76.9
All (n=6396)		100 (n = 4106)	100 (n = 2290)
$\chi^2 = 82.887$ 1 df Significant at the 1% level			

Given that a major premise of academic freedom (and, moreover, freedom of speech) is the freedom to express one’s professional opinion, the presence of such statistics with respect seats of higher learning are truly appalling, and are a disgrace to higher education institutions across the EU, and more particularly the UK. Such research as has been done on this topic,²⁶ suggest that the figures reported here are typical rather than aberrant. It is worth considering, if academics routinely bully (and allow others to routinely bully) their colleagues to such a degree that it is commonplace, what example is being passed on to those whom they teach?

The final element of question 13 looked at other forms of sanction to which academic staff may have been subjected, and the results are given below in table 10.8. As can be seen, with respect to the UCU cohort, more than 1 in 10 reported other forms of sanction to which they had been subjected – more than twice the proportion of the EU respondents. Hence 229 (10.2%) of 2247 UCU respondents who completed this question, had been subjected to other forms of sanction. Given that many punitive forms of sanction have been covered in question 13, it is worth considering what other methods may have been employed.

Table 10.8 Subjected to/threatened with another form of sanction because of academic views expressed in teaching

Subjected to/threatened with the following sanctions because of academic views held:	Response	% EU	% UCU
Another form of sanction	Yes	4.5	10.2
	No	95.5	89.8
All (n=6462)		100 (n = 4215)	100 (n = 2247)
$\chi^2 = 79.747$ 1 df Significant at the 1% level			

²⁶ See, for example, L. Keashly, & J. Neuman, (2010) “Faculty Experiences with Bullying in Higher Education: Causes, Consequences, and Management”, *Administrative Theory & Praxis*, 32(1): 48-70.
D. Lewis, (1999) “Workplace bullying — Interim findings of a study in further and higher education in Wales”, *International Journal of Manpower*, 20(1/2):106-119.

Question 14: This question was designed to enable respondents who had been subjected to/threatened with another form of sanction to supply information concerning this. 214 responses were received for this question, of which 18 mentioned dismissal, or the threat of dismissal. The text which was generated by this question is given in Statistical Appendix 1.

Question 15: This question invited those respondents who had experienced bullying to provide more detailed information about the treatment to which they had been subjected. This question generated 608 responses. These responses, which demonstrate a range of negative and abusive tactics routinely used against staff, which range from the petty and trivial (being ignored) to serious, possibly criminal, activity (stalking, sexual harassment and assault), can be found in the Statistical Appendix 1.

Question 16: was a composite question which asked respondents to indicate whether, because of their academic views they had ever been subjected to/threatened with the following modes of abuse by people within the institution in which they worked:

- *physical harm.*
- *psychological pressure.*
- *sexual abuse or assault.*
- *sexual harassment (e.g. derogatory remarks)*
- *false charges brought against them*

The results are given in tables 11.1 to 11.5 below

The first two elements of question 16 concern threats of physical and psychological pressure. As can be seen from table 11.1, occurrences of physical harm are very rare indeed – less than 1% of respondents from both EU and UCU cohorts reported this form of physical threat. The situation with regard to psychological pressure is, however, very different. Table 11.2 shows that 15.7% (1 in 7) of the EU cohort, and 26.6% (more than 1 in 4) of the UCU cohort report being subjected to psychological pressure. When comparing the various abuses highlighted in these tables, psychological pressure is more common even than bullying (indeed, there is probably an overlap between these, as psychological pressure is a form of bullying). As with most of the analyses in this study, respondents in the UCU cohort demonstrate a greater familiarity with this form of indefensible behaviour, than their EU counterparts – reports of psychological pressure is nearly twice as prevalent among UCU respondents as their EU counterparts.

Table 11.1 Subjected to/ threatened with physical harm because of academic views

Subjected to/threatened with the following because of academic views held:	Response	% EU	% UCU
Physical harm	Yes	0.9	1.3
	No	99.1	98.7
All (n= 6406)		100 (n = 4106)	100 (n = 2300)
$\chi^2 = 3.548$ 1 df Not Significant			

Table 11.2 Subjected to/ threatened with psychological pressure because of academic views

Subjected to/threatened with the following because of academic views held:	Response	% EU	% UCU
Psychological pressure	Yes	15.7	26.6
	No	84.3	73.4
All (n= 6422)		100 (n = 4111)	100 (n = 2311)
$\chi^2 = 111.906$ 1 df Significant at 1% level			

The next two elements concern threats of sexual abuse, assault and harassment. Table 11.3 shows that the experience of, or threat of, sexual abuse or assault is even more rare than physical harm, with an occurrence of less than 1% in both EU and UCU cohorts. The situation is more negative with respect to sexual harassment, and its occurrence is more frequent among UCU, than EU respondents. Although these figures are very low, it can be considered surprising that such events occur at all, given that all universities strive to improve awareness through campaigns that ensure that sexual harassment among the student body is not considered tolerable behaviour.

Table 11.3 Subjected to/ threatened with sexual abuse or assault because of academic views

Subjected to/threatened with the following because of academic views held:	Response	% EU	% UCU
Sexual abuse or assault	Yes	0.6	0.7
	No	99.4	99.3
All (n=6395)		100 (n = 4111)	100 (n = 2284)
$\chi^2 = 0.056$ 1 df Not Significant			

Table 11.4 Subjected to/ threatened with sexual harassment because of academic views

Subjected to/threatened with the following because of academic views held:	Response	% EU	% UCU
Sexual harassment	Yes	2.6	3.5
	No	97.4	96.5
All (n= 6390)		100 (n = 4109)	100 (n = 2281)
$\chi^2 = 4.727$ 1 df Significant at 5% level			

The final element of question 16 looked at the threat of legal charges being brought against an individual because of their academic views. Table 11.5 shows that this form of coercion is more frequent than might commonly be imagined. 10.6% of UCU respondents, and 6.3% of EU respondents reported that this form of sanction had been used against them.

Table 11.5 Subjected to/ threatened with charges being brought against you because of academic views

Subjected to/threatened with the following because of academic views held:	Response	% EU	% UCU
Charges being brought against you	Yes	6.3	10.6
	No	93.7	89.4
All (n=6354)		100 (n = 4086)	100 (n = 2268)
$\chi^2 = 36.979$ 1 df Significant at 1% level			

The greater frequency of the use of legal constraints to harass staff in the UK may be a reflection of the UK legal system. The law on defamation has led to the UK being described as “the libel capital of the Western world”,²⁷ and the ease with which such charges can be made in the UK, when compared with other EU states, may account for some of the difference.

Question 17: asked whether respondents had ever undertaken self-censorship (that is, refrained from publishing, teaching, talking or doing research on a particular topic), for fear of negative repercussions, such as loss of privileges, demotion, physical harm.

Table 12 Extent of self-censorship

Response	% EU	% UCU
No	19.1	35.5
Yes	80.9	64.5
All (n=6292)	100 (n = 3982)	100 (n = 2310)
$\chi^2 = 209.104$ 2 df Significant at 1% Level		

The results in table 12 above show that self-censorship is very common, with 19.1% of EU respondents admitting to have subjected themselves to self-censorship at work, while the comparative figure for the UCU was significantly higher at 35.5%. The data in previous tables in this analysis have shown that many staff have had their academic freedom abrogated and thereby been subjected to cruel and degrading treatment by their peers, on account of their academic views. The results in table 12 could suggest that it is only self-censorship by a sizeable cohort of staff that prevents the incidence of bullying, psychology pressure and other unconscionable

²⁷ H. Maly (2006) “Publish at Your Own Risk or Don't Publish at All: Forum Shopping Trends in Libel Litigation Leave the First Amendment Unguaranteed”, *Journal of Law and Policy*, 14(2): 906

behaviour from being even higher. Self-censorship at this level appears to make a mockery of any pretence by universities of being paragons of free speech and that of being advocates of unhindered discourse in the pursuit of knowledge and academic freedom.

Question 18: This question invited those respondents who had experienced self-censorship to provide more detailed information about the form that their self-censorship had taken. 745 respondents provided information on self-censorship. These ranged in severity from “keeping my mouth shut” to “I no longer attend any staff meetings in my teaching department, or faculty meetings, or reply to any general email circulars from within my University asking for my opinion, and minimise contact with all other members of my University”. On reading these remarks, it is difficult to see how universities can operate as institutions of open and free debate, dedicated to the enhancement of knowledge. The responses to this question are in Statistical Appendix 1.

Question 19: was a composite question which asked respondents to indicate whether, because of their academic views they had ever experienced, or been threatened with, infringement of their academic freedom because of their:

- *Sexual orientation/identity.*
- *Ethnicity.*
- *Gender.*
- *Political views.*
- *Some other reason.*

The results are given in tables 13.1 to 13.5 below

All the results in table 13.1 to 13.5 reflect the personal characteristics of staff (sexual orientation, gender ethnicity, etc.), but which should not, in a higher education institution founded on freedom of thought, opinion, etc., have any bearing on how staff are treated. The figures show that, with respect to sexual orientation and ethnicity, very few staff are affected – less than 4%. For gender, the figure for UCU staff reporting infringements of academic freedom rises to 6.8%, rising further to 9.3% with respect to political views. Discrimination on the basis of these characteristics is illegal under the UK 2010 Equality Act, which was enacted following the EU Equal Treatment Directives, whose powers and provisions it emulates and implements. The final element of this question concerns threats relating to another reason not specified in this question; 12.7% of the UCU respondents (1 person in 8) claimed that they had been subjected to constraints on their academic freedom. Although these proportional figures are relatively small, they demonstrate that the Equality Act is not working sufficiently well to safeguard those individuals for whom it should protect. What is striking about table 19.1 to 19.5 is that, in every instance, the proportion of UCU members affected exceeds the comparable figure for the European cohort, and that all of these differences are statistically significant at the 1% level. For example, the proportion of UCU staff reporting that their academic freedom was abrogated on account of their political beliefs was 9.3% - more than twice the equivalent figures (4.5%) for the European respondents. Given that universities are founded on the basis of freedom of speech, and the advancement of knowledge via informed debate, such comparative figures reflect poorly on the academic community in the UK, and on broader British society more generally, in which, arguably, greater levels of intolerance exist than those which occur within universities.

Table 13.1 Subjected to/ threatened with infringement of academic freedom on account of sexual orientation/identity

Subjected to/ threatened with infringement of academic freedom on account of	Response	% EU	% UCU
Sexual orientation/identity	Yes	0.7	2.2
	No	99.3	97.8
All (n=6336)		100 (n = 4075)	100 (n = 2261)
$\chi^2 = 25.384$ 1 df Significant at 1% level			

Table 13.2 Subjected to/ threatened with infringement of academic freedom on account of ethnicity

Subjected to/ threatened with infringement of academic freedom on account of	Response	% EU	% UCU
Ethnicity	Yes	0.7	3.7
	No	99.3	96.3
All (n=6361)		100 (n = 4091)	100 (n = 2270)
$\chi^2 = 74.568$ 1 df Significant at 1% level			

Table 13.3 Subjected to/ threatened with infringement of academic freedom on account of gender

Subjected to/ threatened with infringement of academic freedom on account of	Response	% EU	% UCU
Gender	Yes	4.6	6.8
	No	95.4	93.2
All (n= 6390)		100 (n = 4108)	100 (n = 2282)
$\chi^2 = 14.00$ 1 df Significant at 1% level			

Table 13.4 Subjected to/ threatened with infringement of academic freedom on account of political views

Subjected to/ threatened with infringement of academic freedom on account of	Response	% EU	% UCU
Political views	Yes	4.5	9.3
	No	65.5	34.5
All (n=6379)		100 (n = 4103)	100 (n = 2276)
$\chi^2 = 57.930$ 1 df Significant at 1% level			

Table 13.5 Subjected to/ threatened with infringement of academic freedom on account of some other (unspecified) reason

Subjected to/ threatened with infringement of academic freedom on account of	Response	% EU	% UCU
Some other (unspecified) reason	Yes	3.2	12.7
	No	96.8	87.3
All (n= 6471)		100 (n = 4215)	100 (n = 2256)
$\chi^2 = 219.986$ 1 df Significant at 1% level			

Question 20: This question invited those respondents who had been subjected to/ threatened with infringement of academic freedom on account of some other reason to provide more detailed information about the reason their academic freedom had been negated. A total of 145 responses were received in respect to this question, which suggests that the options offered on the closed question on this topic covered the majority of reasons for the curtailment of academic freedom. Comments that recurred included ageism, disability, ethnicity, and religion – the full set of comments are provided in Statistical Appendix 1.

Question 21: Respondents' personal knowledge/experience of academic freedom issues:

Question 21 was a composite question which required respondents to utilise a five point scale to indicate their relative agreement/disagreement with the following statements:

- *Individual academic freedom for teaching is very important to me.*
- *Individual academic freedom for teaching has declined in my institution in recent years.*
- *Individual academic freedom for research is very important to me.*
- *Individual academic freedom for research has declined in my institution in recent years.*
- *My institution's autonomy (i.e. the widest practical measure of freedom from state regulation) is very important to me.*
- *Institutional autonomy has declined in my institution in recent years.*
- *Self-governance (i.e. the right of academic staff to participate in the governance of a higher education institution) in my institution is very important to me.*

- *Self-governance has declined in my institution in recent years.*
- *Employment protection for academic staff in my institution (i.e. permanent contracts, which are not easily terminable for institutional reasons) is very important to me.*
- *Employment protection for academic staff in my institution has declined in recent years.*
- *The commercialisation of higher education is of great concern to me.*
- *The commercialisation of higher education has increased in recent years.*
- *I believe that the implementation of the Government's Research Excellence Framework has diminished my individual academic freedom.*
- *I am concerned that the implementation of the Government's proposed Teaching Excellence Framework will diminish my individual academic freedom.*

In sum, this question addressed the importance respondents' attached to the substantive (freedom for teaching, freedom for academic freedom), and supportive elements (institutional autonomy, self-governance and employment protection) of academic freedom and whether they believed that these had declined in recent years. Respondents were then asked whether commercialisation of higher education was a concern to them, and whether commercialisation had increased. Finally UCU members were asked their opinions of the impact of the Research Excellence Framework exercise, and the likely impact of the new Teaching Excellence Framework. The results are given below in tables 14.1 to 14.14

Table 14.1 Individual academic freedom for teaching is very important to me.

Response	% EU	% UCU
Strongly Agree	62.1	67.4
Agree	33.9	28.5
Neither agree nor disagree	3.5	3.5
Disagree	0.4	0.4
Strongly disagree	0.1	0.2
All (n= 6408)	100 (n = 4094)	100 (n = 2314)
Welch ANOVA: F=11.196 1 df Significant at the 1% level		

Looking first at the substantive elements – freedom for teaching and research. Although there are statistically significant differences between them, both UCU and the European cohorts agree/strongly agree that freedom for teaching (EU= 96.0%, UCU = 95.9%) and research (EU=97.8%, UCU 96.5%) is very important to them. However, when examining beliefs about the decline in academic freedom for these scholarly activities, there are clear and strong differences between the two cohorts. 43.0% of the UCU respondents agree/strongly agree that academic freedom for teaching has declined, compared with 25.1% of European respondents. Similarly, with respect to freedom for research, 45.6% of UCU respondents agree/strongly agree that this has declined, compared with 29.3% of European respondents. Assessing the reasons for these differences can only be speculative without further research (for example, qualitatively via interviews); however, it is likely that the absence of constitutional and strong legal protection for academic freedom in the UK, conjoined to the total lack of job security creates an organisational

environment and culture in which, as Barnett observed, “academic freedom is not taken away; rather, the opportunities for its realisation are reduced”.²⁸

Table 14.2 Individual academic freedom for teaching has declined in my institution in recent years

Response	% EU	% UCU
Strongly Agree	5.6	14.0
Agree	19.5	29.0
Neither agree nor disagree	33.3	43.0
Disagree	31.8	11.1
Strongly disagree	9.8	2.9
All (n= 6388)	100 (n = 4081)	100 (n = 2307)
Welch ANOVA: F=556.915 1 df Significant at the 1% level		

Table 14.3 Individual academic freedom for research is very important to me.

Response	% EU	% UCU
Strongly Agree	71.9	77.1
Agree	25.9	19.4
Neither agree nor disagree	1.8	3.0
Disagree	0.2	0.4
Strongly disagree	0.1	0.1
All (n= 6392)	100 (n = 4081)	100 (n = 2311)
Welch ANOVA: F=6.764 1 df Significant at the 1% level		

²⁸ R. Barnett, (1997) *Higher Education: A Critical Business*, Buckingham: SRHE/Open University Press, p. 53.

Table 14.4 Individual academic freedom for research has declined in my institution in recent years

Response	% EU	% UCU
Strongly Agree	6.0	16.6
Agree	23.3	29.0
Neither agree nor disagree	31.7	41.6
Disagree	29.4	10.1
Strongly disagree	9.6	2.7
All (n= 6379)	100 (n = 4079)	100 (n = 2300)
Welch ANOVA: F=525.162 1 df Significant at the 1% level		

Turning to the supportive elements of academic freedom, focus concentrates on autonomy, governance, and tenure. More than 85% of both UCU and European respondents agree/strongly agree, that these three elements are important, the last perhaps slightly more than the previous two. As before, there are large differences between the two groups in terms of their perceptions of changes in autonomy, governance and tenure. A clear majority (57.8%) of UCU respondents agree/strongly agree that institutional autonomy has declined, compared with 42.5% of European respondents; indeed the UCU proportion that strongly agreed with this statement was twice the size (23.8%) of that of the European respondents (11.3%). Similarly, while 40.9% of the European respondents agreed/strongly agreed that self-governance had declined, this figure is much lower than that of 60.2% for the UCU cohort. Moreover, 1 in 3 of all UCU respondents strongly agreed with this sentiment, compared with 1 in 7 of the European respondents. The situation is possibly not as marked with regard to tenure – 66.6% of UCU respondents agreed that employment protection had declined (with 36.5% strongly agreeing), compared to 53.6% for the European cohort (with 23.5% strongly agreeing). Employment security has disappeared from UK universities and f.e. institutions, but continues to exist in many EU nations.

Table 14.5 My institution's autonomy is very important to me

Response	% EU	% UCU
Strongly Agree	48.5	59.7
Agree	40.2	28.7
Neither agree nor disagree	9.5	9.6
Disagree	1.3	1.4
Strongly disagree	0.4	0.6
All (n= 6388)	100 (n = 4082)	100 (n = 2306)
Welch ANOVA: F=27.314 1 df Significant at the 1% level		

Table 14.6 Institutional autonomy has declined in my institution in recent years.

Response	% EU	% UCU
Strongly Agree	11.3	23.8
Agree	31.2	34.0
Neither agree nor disagree	31.6	35.9
Disagree	20.4	5.2
Strongly disagree	5.4	1.0
All (n= 6368)	100 (n = 4074)	100 (n =2294)
Welch ANOVA: F=416.688 1 df Significant at the 1% level		

Table 14.7 Self-governance in my institution is very important to me.

Response	% EU	% UCU
Strongly Agree	43.9	55.2
Agree	43.6	36.0
Neither agree nor disagree	10.9	7.9
Disagree	1.3	0.6
Strongly disagree	0.2	0.2
All (n= 6386)	100 (n = 4078)	100 (n = 2308)
Welch ANOVA: F=73.079 1 df Significant at the 1% level		

Table 14.8 Self-governance has declined in my institution in recent years

Response	% EU	% UCU
Strongly Agree	14.4	33.5
Agree	26.5	28.5
Neither agree nor disagree	33.3	30.9
Disagree	20.1	5.8
Strongly disagree	5.8	1.3
All (n= 6363)	100 (n = 4074)	100 (n = 2289)
Welch ANOVA: F=556.858 1 df Significant at the 1% level		

Table 14.9 Employment protection for academic staff in my institution is very important to me.

Response	% EU	% UCU
Strongly Agree	53.7	74.4
Agree	36.9	21.8
Neither agree nor disagree	7.6	3.2
Disagree	1.4	0.3
Strongly disagree	0.3	0.3
All (n= 6389)	100 (n = 4082)	100 (n = 2307)
Welch ANOVA: F=281.471 1 df Significant at the 1% level		

Table 14.10 Employment protection for academic staff in my institution has declined in recent years.

Response	% EU	% UCU
Strongly Agree	23.5	36.5
Agree	30.1	30.1
Neither agree nor disagree	23.6	25.0
Disagree	17.9	6.8
Strongly disagree	4.9	1.6
All (n= 6381)	100 (n = 4074)	100 (n = 2307)
Welch ANOVA: F=246.210 1 df Significant at the 1% level		

The next two elements of question 21 asked respondents to what extent they agreed that the commercialisation of higher education was of concern to them, and whether they thought that this had increased in recent years – the responses are summarized in tables 14.11 and 14.12, below. As can be seen, the majority of respondents in both UCU and European cohorts agreed that the commercialisation of higher education was of concern to them, although the proportion strongly agreeing among the UCU respondents was 75.1%, more than twice that of the European respondents (31.3%). The same differences are evident (but more marked) with respect to respondents' views about the increase in commercialisation. 94.9% of the UCU respondents strongly agreed/agreed that commercialisation of h.e. had increased, of which 74.5% strongly agreed, the corresponding figures for the European cohort were 89.5% and 26.4%. The increased salience of the commercialisation of h.e. among the UCU respondents probably relates (inter alia) to the increase in tuition fees in the U.K. When first introduced in 1998 the tuition fee was set at £1000, but has grown steadily and now stands at £9,000 per year. When compared with the other European nations the charging of fees at this level (or, indeed, any level) is aberrant. It is still the case that in the majority of EU nations, home students (and, often, students

from other EU nations) are either not required to pay tuition fees at all, or a very small fee, often as part of their registration.

Table 14.11 The commercialisation of higher education is of great concern to me.

Response	% EU	% UCU
Strongly Agree	31.3	75.1
Agree	33.6	17.3
Neither agree nor disagree	19.6	5.1
Disagree	11.9	1.8
Strongly disagree	3.7	0.8
All (n= 6377)	100 (n = 4066)	100 (n = 2311)
Welch ANOVA: F=1402.492 1 df Significant at the 1% level		

Table 14.12 The commercialisation of higher education has increased in recent years

Response	% EU	% UCU
Strongly Agree	26.4	74.5
Agree	43.1	20.4
Neither agree nor disagree	22.1	4.4
Disagree	6.8	0.4
Strongly disagree	1.6	0.3
All (n= 6378)	100 (n = 4072)	100 (n = 2306)
Welch ANOVA: F=1837.246 1 df Significant at the 1% level		

The final two elements of question 21 refer to the impact of the Research Excellent Framework (REF), and the proposed Teaching Excellence Framework (TEF) on academic freedom. As can be seen from table 14.13, the majority (56.6%) of UCU respondents agree/strongly agree that the REF had diminished their academic freedom, and although over 30% were undecided as to its effect, only 11.7% thought that the REF had not adversely affected their academic freedom. The precursor of the REF, the Research Assessment Exercise (RAE), was first introduced in the UK in 1986. Subsequent RAE reviews took place in 1989, 1992, 1996, 2001, and 2008. The REF replaced the RAE for the 2014 exercise, and the next such is due to take place in 2021. Not surprisingly, the impact of the RAE and REF has been debated widely within academic and beyond. Murphy and Sage²⁹, for example, report that “The discussions around the REF ... have

²⁹ T. Murphy & D. Sage, (2015) “Perceptions of the UK’s Research Excellence Framework 2014”, *Australian Universities Review*, 57(2): 31-36

tended to be negatively skewed Our analysis here suggests that many academics have genuine concerns about the implications of the REF affecting their morale, their sense of their role and, potentially, their employment within the sector.” Its impact on academic freedom has been more difficult to judge, with some, like Nolan et al.,³⁰ posing the question: “The Research Excellence Framework (REF): A major impediment to free and informed debate?”, while Smith et al. others have identified “threats to academic autonomy implied in the definition of expert review and the delimitation of reviewers, ... and the framing of knowledge translation by the stipulation that impact ‘builds on’ research”.³¹ Similarly, Watermeyer’s assessment concluded that the REF “is viewed by academics as an infringement to a scholarly way of life; as symptomatic of the marketisation of higher education; and as fundamentally incompatible and deleterious to the production of new knowledge.”³² On balance, although the impact of the REF is problematic to assess, it would be difficult to argue it has strengthened academic freedom.

Table 14.13 I believe that the REF has diminished my individual academic freedom

Response	% UCU
Strongly Agree	30.3
Agree	26.3
Neither agree nor disagree	31.8
Disagree	9.2
Strongly disagree	2.5
All (n= 2300)	100 (n = 2300)

The impact of the incoming the Teaching Excellence Framework on academic freedom is hard to judge, as it still going through the legislative process and has been heavily criticized in the House of Lords. However, it is likely that its central tenet, the use of metrics like the NSS scores to calculate the TEF, will remain largely unaltered. The response of UCU members completing the survey is unequivocal, and even more marked than their opinion of the REF. Only 5.8% of respondents agree that the TEF will not diminish their academic freedom; by contrast, over 70% believe that the new legislation will diminish their academic freedom. Clearly the agreed calculation method for the TEF will be critical in ensuring its credibility among academics and students alike. However, as with the REF, it is difficult to see how the TEF might increase academic freedom. As has been noted, its focus on NSS scores, makes it more, rather than less, likely that academics will be required to reduce the difficulty of courses, to ensure that all students progress, and can hence demonstrate their satisfaction with such an outcome, thereby ensuring that the universities at which they study will get a good TEF score.

³⁰ M. Nolan, C. Ingleton, & M. Hayter (2008) “The Research Excellence Framework (REF): A major impediment to free and informed debate?”, *International Journal of Nursing Studies*, 45: 487–488.

³¹ S. Smith, V. Ward, & A. House, (2011) “‘Impact’ in the proposals for the UK’s Research Excellence Framework: Shifting the boundaries of academic autonomy”, *Research Policy*, 40(10): 1369.

³² R. Watermeyer, (2016) “Impact in the REF: issues and obstacles”, *Studies in Higher Education*, 41(2): 199-214

Table 14.14 I am concerned that the proposed TEF will diminish my individual academic freedom.

Response	UCU (%)
Strongly Agree	40.2
Agree	29.5
Neither agree nor disagree	24.5
Disagree	4.7
Strongly disagree	1.1
All (n= 2309)	100 (n = 2309)

Question 22: The final question in this section invited respondents to make any further comments concerning their experience of academic freedom. A total of 423 responses were received in respect to this question, and the critical tone and timbre which they display is very similar to responses obtained from other open-ended questions, namely the adverse impact of greater managerialism and commercialisation in higher education. Other comments highlighted the stark choices facing concerned staff, for example “This week I have experienced fear for the first time...if I lose my job, I lose my home and I lose my community, so I have to shut up and put up”. The full set of responses to this question are located in Statistical Appendix 1.

6 The Demographic Characteristics of Respondents

The final part of the survey examined the personal characteristics of respondents. This section of the survey contained some questions specific to the UK, and hence have no corresponding data from the European nations, but where comparable data is available it is reported.

Question 23: Please select your gender. This question asked respondents to select their gender, but the question was phrased differently for UCU members, who were also given the option: “I would rather not say”. The results in table 15 below show that the majority of respondents are male in both cohorts. If it is assumed that the proportion of UCU respondents who preferred not to answer were equally split between male and female, this would suggest that the degree of gender inequality is slightly less in the UK than the EU.

Table 15 Respondents’ gender

Response	% EU	% UCU
Male	61.9	57.0
Female	38.1	38.7
I would rather not say	-	4.2
All (n= 6449)	100 (n = 4140)	100 (n = 2309)

Question 24: Is your gender the same as you were assigned at birth. This question only appeared in the UCU survey, and as can be seen in table 16 below, less than 1% of respondents reported that their gender was now different from the birth gender.

Table 16 Gender same as at birth

Response	UCU (%)
Yes	96.0
No	0.4
I would rather not say	3.6
All (n= 2290)	100 (n = 2290)

Question 25: Please select your age range.

In the UCU survey, respondents were asked to choose an age group, while the European survey asked the year in which respondents were born. The European data was re-calibrated to make it comparable with the UCU data. The data, which is shown in Table 17, reveals an aging workforce – nearly a third of both cohorts are aged over 55.

Table 17 Age Range

Response	% EU	% UCU
Under 25	0.2	0.1
25 – 29	2.8	2.2
30 – 34	8.6	6.5
35 – 39	13.9	11.7
40 – 44	15.4	11.3
45 – 49	13.5	15.3
50 – 54	13.5	19.4
55 – 59	11.9	15.7
60 – 64	9.6	11.4
65 and over	10.5	6.5
All (n= 6350)	100 (n = 4120)	100 (n =2230)
$\chi^2 = 114.775$ 9 df Significant at 1% level		

The bulk of respondents (EU=56.3%, UCU=57.7%) are aged 35-54, while the proportion under 35 is 11.6% for the European cohort and 8.8% for the UCU. These figures suggest that the academic profession is skewed towards the elderly for both cohorts. Assessing the reasons for this would require further research, but in the UK context these are likely to include greater job insecurity

(following the removal of tenure) and salaries that have remained static (or declined) in real terms during the last decade, which have acted as a disincentive to those contemplating an academic career.

Question 26: Please select your ethnicity.

Question 26, which was only used for UCU members, asked respondents to indicate their ethnicity. The results in table 18 show that 87.3% of UCU respondents are white, which suggests that greater efforts are required by higher education institutions to encourage students from ethnic minorities to enter higher education, and go on to take post-graduate qualifications, and enter the academic profession.

Table 18 Respondents Ethnicity (UCU only)

Response	UCU (%)
White – British	58.3
White - Irish	4.7
White – Other	24.3
Black or British Black- African	0.2
Black or British Black – Caribbean	0.0
Black or British Black – Other	0.1
Asian or British Asia – Bangladeshi	0.0
Asian or British Asia – Indian	0.9
Asian or British Asia - Pakistani	0.3
Asian or British Asia - Other	0.6
Chinese	0.5
Mixed – White and Asian	0.7
Mixed – White and Black African	0.0
Mixed – White and Black Caribbean	0.1
Other Ethnic group	2.8
I would rather not say	6.3
All (n= 2321)	100 (n = 2321)

Question 27: Do you have a registered disability?

Question 27 asked UCU respondents to state whether they had a registered disability. As can be seen from table 27, circa only 6% of respondents stated that they had a registered disability, with 5% indicating that they would rather not say.

Table 19 UCU respondents with a registered disability

Response	UCU (%)
Yes	5.9
No	89.2
I would rather not say	5.0
All (n= 2296)	100 (n =2296)

Question 28: If you have a political affiliation, whereabouts approximately on the following scale, would you consider your affiliation to lie?

Question 28 asked to respondents to determine, on a 9 point scale, their political affiliation. The results show the UCU respondents to be more likely to affiliate with left, rather than right wing policies. The difference between the two cohorts is statistically significant, but may reflect, to some extent, the nature of the differing sampling frameworks adopted. The EU survey requested any member of the academic staff to participate, while the UCU survey was aimed just at UCU members. Hence it is possible that, if the European survey had been sent only to members of academic professional associations or trade unions (e.g. the Dansk Magisterforening in Denmark, the Sveriges Universitetslärare och Forskare in Sweden, etc.) the spread of political affiliations among the respondents would more closely resemble the UCU profile.

Table 20 Political affiliation

Response	% EU	% UCU
To the Left, Socialist, Social Democrat	18.2	27.6
2	17.3	21.9
3	20.9	23.1
4	13.7	11.2
Centre, Centrist	14.4	10.5
6	7.6	2.4
7	5.4	1.8
8	1.4	0.6
To the Right, Conservative, Republican	1.0	1.0
All (n= 5788)	100 (n = 3640)	100 (n = 2148)
$\chi^2 = 213.145$ 8 df Significant at 1% level		

Question 29: In what type of institution do you work?

Question 29 asked respondents to indicate in which type of institution they worked. The results in table 21 show that the overwhelming majority work in higher, rather than further, education. It is

therefore likely that respondents working in further education are under-represented in the survey. It is conceivable that f.e. lecturers providing h.e. courses may believe that, as they do not undertake research, academic is not a salient issue for them. However, it may also be the case that f.e. staff are even less aware than their h.e. counterparts, with respect to academic freedom, and therefore less likely to complete the survey.

Table 21 Respondents' type of institution

Response	UCU (%)
Higher Education Institution	96.5%
Further Education College	2.5%
Alternative Provider, e.g. private h.e.i.	0.1%
Other, please specify	0.9%
All (n= 2320)	100% (n = 2320)

Question 30: For how long have you worked in your present institution?

Question 30 asked respondents to indicate for how long they had worked in their present institution, and the results are shown below. Although the differences between the two cohorts are statistically significant, they do show quite similar profiles. However, a higher proportion of UCU respondents have spent less than 10 years in their current institution, when compared with the European respondents; conversely, a greater proportion of the European cohort had been in post in the same institution for 16 years or more. Some of these differences probably reflect different national customs. In the UK, degree students do not chose to study at the institution nearest to their home and, furthermore, will seldom chose to study for a post-graduate award at the same institution.

Table 22 Length of service in current institution

Response	% EU	% UCU
Less than one year	4.3 ^a	3.8 ^a
1 – 5 years	20.7 ^a	24.8 ^b
6 – 10 years	18.7 ^a	19.8 ^a
11 – 15 years	17.4 ^a	18.6 ^a
16 – 20 years	12.2 ^a	12.0 ^a
21 – 25 years	9.0 ^a	9.1 ^a
More than 25 years	17.8 ^a	11.9 ^b
All (n = 6447)	100 (n = 4129)	100 (n = 2318)
$\chi^2 = 47.586$ 6 df Significant at 1% level		

In contrast, in countries like Sweden and Finland, most students will study at the local university; it is not uncommon for Finnish or Swedish academics to study for their first and postgraduate degrees at their local university, and then go on to spend all of their academic careers at the same university, more especially if they have been granted tenure

Question 31: Please select your job role.

Question 31 asked respondents to specify their job role. The results show that the sample is probably skewed towards more senior grades, such as Professor and Reader, as few university departments would have 28% of staff occupying such grades. However, given that people in such posts are highly research active and likely to have been in academia for some time, they may be more likely to have encountered problems regarding academic freedom, which is why they were drawn to complete the survey.

Table 23 Job Role of Respondents

Response	UCU (%)
Professor	19.8
Principal Research Fellow	0.2
Principal Lecturer	4.2
Reader	8.3
Senior Research Fellow	1.4
Senior Lecturer	30.7
Lecturer	23.0
Research Fellow	2.7
Senior Teaching Fellow	0.6
Teaching Fellow	1.2
Research Assistant	1.3
Teaching Assistant	0.9
Section Head/Manager (non-academic)	0.4
Non-academic professional	1.0
Other	4.4
All (n=2318)	100 (n = 2318)

Question 32. What is/are your broad teaching/research discipline(s) (e.g. Economics, etc.)?

Question 32 asked respondents to name their academic area of research/teaching. The results displayed in table 24 show that 32.3% were drawn from the pure and applied sciences; 37.9% from the social sciences, plus business, law and education and 23.5% from the Arts and Humanities. In essence these figures suggest that the respondents were drawn from a full range of academic disciplines, rather than being skewed in the direction of a specific subject area.

Table 24 Subject disciplines of Respondents

Response	UCU (%)
Agriculture/Veterinary Medicine	0.7
Engineering	4.4
Life Sciences	5.5
Medical Sciences, Health Sciences	9.0
Physical Sciences, Mathematics	8.3
Computer Sciences	4.4
Social and Behavioural Sciences	19.3
Business and Administration, Economics	9.1
Law	3.1
Education/Teacher Training	6.4
Arts and Humanities	23.5
Other	5.9
N/A - not an academic	0.5
All (n=2310)	100 (n = 2310)

Question 33. What is the nature of your present position?

Question 33 asked respondents to indicate whether they had full or part-time positions. As can be seen from table 25, over 80% of all respondents were in full time posts, with a greater proportion of UCU (than European) respondents holding part-time positions. The differences between these groups was statistically significant, but at the 5%, rather than the 1%, level.

Table 25 Present Position (PT/FT status)

Response	% EU	% UCU
Full time	83.4a	82.7a
Part time	11.6a	13.3b
Other	4.9a	3.9a
All (n = 6429)	100 (n = 4119)	100 (n = 2310)
$\chi^2 = 6.768$ 2 df Significant at 5% level		

Question 34. What type of contract are you on?

Question 34 asked UCU respondents only to indicate what type of contact they were on. The results in table 26 show that just over 80% were on permanent contracts. Hence one in five of all UCU respondents had little or no job security. Such job insecurity is not unusual among post-doctoral researchers, but as table 23 shows that approximately 2% of respondents were in such posts, the data in table 26 suggests a growing proportion of casualised labour, within academia with one person in five employed through the use of fixed term, zero hours, sessional and annualised hours contracts.

Table 26 Job Role of Respondents

Response	UCU (%)
Permanent	81.0
Open ended	6.6
Fixed term	7.1
Zero hours	1.0
Sessional	0.7
Annualised hours	0.1
Guaranteed minimum hours	0.2
Other	3.2
All (n=2311)	100 (n = 2311)

Question 35/36. Contractual focus – research and/or teaching

Question 35 and 36 (which were directed only at UCU staff) were related, in that question 35 asked about the type of contract, while 36 asked what respondents said were their primary activities. The results are given in tables 27 and 28 below. 75.4% of respondents were on research only, or teaching and research contracts, and a similar proportion described their primary activities as research and research and teaching. Although the use of teaching and scholarship contracts has been mooted for staff who are not research active, and therefore unlikely to have their work included in the next REF, table 5 shows that such contracts are employed less frequently than research and teaching contracts, and that, for the majority of UCU respondents, research rather than teaching is their primary activity. Whether this situation will continue after the Teaching Excellence Framework comes into place, remains to be seen.

Table 27. With which type of contract are you currently employed?

Response	UCU (%)
Research	7.0
Research and Teaching	68.4
Teaching and Scholarship	15.2
Academic-related	6.3
I don't know	3.2
All (n=2300)	100 (n =2300)

Table 28. Please select your primary activity/ies Teaching and Research

Response	UCU (%)
Teaching and research	62.3
Primarily research	11.9
Primarily teaching	21.1
Academic related (professional staff)	2.7
Faculty management	1.9
All (n=2294)	100 (n = 2294)

Question 38. Are you a member of the UCU?

Question 38 asked about UCU membership. Given that the survey was only sent to UCU members, it is not surprising that, less than 1% of respondents indicated that they were not a member of the Union.

29. Are you a member of the University and College Union?

Response	UCU (%)
Yes	98.7
No	0.6
I would rather not say	0.6
All (n= 2312)	100 (n = 2312)

Question 39: This question, invited respondents to make any further comments concerning academic freedom, in connection with their academic work and responsibilities, concluded the survey. A total of 311 responses were received in respect to this question. Some responses were, like those to the other open-ended questions, highly critical of the way in which UK higher

education is managed; a number of respondents indicated that academic freedom was important and that they were glad that UCU was working on this issue. The responses to this question are all in Statistical Appendix 1.

In addition to comparing UCU with European respondents, a further analysis was undertaken comparing demographically defined cohorts within the UCU respondents. Constraints on academic freedom can affect all academic staff. However, there may be some personal characteristics of staff (age, gender, ethnicity, etc.) which may lead to constraints on their academic freedom, which are disproportionately greater than their peers. To investigate on this, the responses by UCU staff were re-examined, but this time comparisons were undertaken between demographically defined cohorts within the UCU cohort, rather than with the European cohort, with respect to gender, age, ethnicity, and disability. Hence, for example, the incidence of sexual harassment was examined to see if male and female respondents in the UCU data set reported similar/dissimilar levels of occurrence. The use of the UCU survey in this way enables greater exploration of the data. However, although ANOVA and chi squared tests can be used in such analyses, the demographic characteristics concerned can undermine the validity of such tests. For example, less than 10 individuals, in a sample of over 2000 UCU respondents, indicated that they have had their gender reassigned, so trying to use groups as small as this for analysis produces meaningless statistics. Moreover, in some circumstances, the chi square statistic indicates there are significant differences, but the actual underlying pairwise significance between groups is negligible. i.e. the overall proportions look significant but as the group sizes are very disparate – for example, when looking at the age of respondents, there were only 2 in the under 25 age range cohort. In consequence, there are minimal conclusions that can be safely drawn from such analyses of the data. This is in contrast to, for example, the gender differences, where the analysis uses only two very large groups, and thus significant differences really are significant.

Bearing such caveats in mind, the UCU data was split in accordance with the demographic groups defined in section 6 (age, gender, etc.) and then the relevant statistical tests re-run to see whether, for example, people from ethnic minorities are more likely. In Sections 1-5 of the report above, a total of 51 tables have been used to examine the differences between UCU and European cohorts. In eight instances, the ANOVA or Chi Square statistics were not statistically significant at the 5% threshold. In two instances, the statistics were significant at the 5% level; in the remaining 41 tests undertaken, the differences between the two cohorts were significant at the 1% level. Comparing cohorts within the UCU responses (for example differences between male and female) produced a much smaller incidence of statistically significant relationships. Statistical Appendix 2 contains all tables relating to gender, age, ethnicity and disability that were statistically significant at the 5% level. As can be seen from Statistical Appendix 2, in 23 instances there were statistically significant differences at the 5% level or above, in relation to gender. In respect to respondents' age, in 28 instances statistically significant differences were found, but some of these were suspect, owing to the small cell sizes in some instances. Similarly, in respect to ethnicity, the analysis showed 17 instances in which ethnicity was a significant factor, but some of the tables again revealed very small cell sizes, owing to the very small number of ethnic minority respondents in the sample, which undermines the validity of the statistics. Finally, with respect to persons with registered disabilities, the analysis showed 16 differences in which disability was a factor. This is very surprising and worthy of further analysis. 5.9% of the sample said that they were disabled, with a further 5% not wishing to say. These numbers, plus the dichotomous nature of the variable, suggests that the impact of disability, as evinced from the data analysis, is more

likely to be real than to be a statistical aberration. In essence, people with a disability suffer greater encroachment upon their academic freedom than their peers who have no disabilities.

8 Conclusion and Recommendations

This study is the first such large scale, comprehensive, empirical analysis of the state of academic freedom among UCU members or, indeed, among the members of any h.e. professional association or union. The UCU data provides an excellent “snap-shot” of member’s knowledge of academic freedom, along with its legal safeguards, and a vivid insight into their personal experiences of academic freedom, in their day to day activities as working academics in the UK’s universities. This UK data is then provided with a comparative basis by using a much larger data set drawn from across the European nations.

The study demonstrates that UCU members have a limited, barely adequate knowledge of the concept, and a consequent strong desire for more information and practical advice concerning it. It also suggests that only a minority of UCU members were aware of their institution’s policy on academic freedom, or whether such a policy existed, suggesting higher education institutions need to do more to inform their staff about their academic freedom rights in relation to teaching, research, and governance. Despite not knowing much about the concept, most UCU respondents believed that recent years have seen a marked decline in their academic freedom. In terms of respondents’ experience of academic freedom, the research 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. Furthermore, it is evident that particular demographic groups within the UCU suffer disproportionately, with respect to abrogation of their academic freedom. Comparison of the UCU data with that from Europe shows that in the vast majority of cases reported, the situation in the UK (as typified by the UCU data) is significantly worse than in the European nations. It should be noted that the previous analysis of *de jure* protection showed that the level of protection in the majority of the EU states is greater than in the UK. It is likely that the higher level of *de facto* abuse of academic freedom experienced by UCU staff, is only possible because of the absence of any significant constitutional or legal protection for academic freedom in the UK. In countries like Spain, where academic freedom is protected in the constitution and via the Ley Organica, and where academics have employment security, the possibility of (for example) of staff being bullied, with threats of dismissal, will be significantly lower than occurs in the UK.

Addressing these problems will require a concerted effort by the UCU, both as an institution and in co-ordination with other relevant NGOs, to raise awareness of academic freedom, such that the majority of UK academics have a more than adequate understanding of the concept. However, when there is no legal sanction available to counteract abuses to academic freedom, making people more aware of the rights that they should be able to exercise, but are legally unable so to do, is likely to result in disillusionment for an increasingly demoralized profession. As was mentioned in the appraisal of *de jure* protection, one possible option for the UCU would be to make a submission to the joint ILO-UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), which is responsible for assessing complaints against national governments in respect to alleged breaches of the 1997 UNESCO *Recommendation on the Status of Higher Education Teaching Personnel*. This route was followed by the Dansk Magisterforening in Denmark and as a result, in 2009, the Danish government

established an evaluation team comprising five international academic experts from outside Denmark to examine the 2003 University Act, which recommended a change in the law.

The Danish submission was reliant on the *de jure* analyses undertaken by the first named author in 2007 and 2009,³³ and which were considered in the previous report. At the time of the Danish submission the more detailed work on *de jure* protection, as detailed in the previous report, had not been undertaken. Moreover, the Dansk Magisterforening made no attempt to assess the *de facto* situation in Denmark by a survey such as this. Despite these deficiencies, the UNESCO submission resulted in an external evaluation of the law in Denmark, which was subsequently changed. For the UCU to undertake a similar submission to UNESCO would involve little additional investment, and would be a tangible demonstration to the UCU members who completed the survey, that the findings of this research study are being directly addressed. Indeed, and unlike as occurred in the Danish case, the findings of this study, and that of the detailed analysis of *de jure* protection for academic freedom in the UK, would provide a firm legal and empirical basis for such a submission, thereby markedly increasing its chances of success. Without action of this kind, it is likely that academic freedom in the UK will descend into further, probably irreversible, decline.

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February 15th 2017

³³ T. Karran, (2007) “Academic Freedom in Europe: A Preliminary Comparative Analysis”, *Higher Education Policy*, 20(3): 289-313.

T. Karran, (2009) “Academic Freedom in Europe: Reviewing UNESCO's *Recommendation*”, *British Journal of Educational Studies*, 57(2): 191–215.

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