Task Force for future monitoring of values

Report to the BFUG, Helsinki

Summary of recommendations

The Task Force recommends:

- Inclusion in the Rome Communiqué of a short text (below). This will affirm the commitment to continue promoting and protecting fundamental values and begin developing a framework for effective monitoring of fundamental values, and outline a common understanding of academic freedom that is supported by an accompanying explanatory paper (appendix to this report).
- Agreement in the BFUG on the need to develop a monitoring framework on values in the EHEA that goes beyond collecting information for the Bologna Process Implementation Report.
- Agreement in the BFUG that any monitoring framework on fundamental values would take account of both de jure and de facto realities, and develop information sources in cooperation with organisations outside the BFUG.
- Agreement in the BFUG to extend the mandate of the Task Force on fundamental values beyond 2020 in order to pursue the work of developing a monitoring framework, including a set of principles and guidelines for monitoring fundamental values in higher education.
- Consideration of the feasibility of developing other instruments such as the establishment of an EHEA Observatory and to consider the feasibility of strengthening the focus on values in any future revision of the Standards and Guidelines for Quality Assurance in the EHEA (ESG).

Task Force proposal for Rome Communiqué

"Shared fundamental values provide the foundations for the EHEA to develop as a space for quality higher education, democracy and societal advancement. We therefore reaffirm our commitment to promoting and protecting our common fundamental values - academic freedom and integrity, institutional autonomy, participation of students and staff in higher education governance, and public responsibility for and of higher education. We welcome and agree to the common understanding of academic freedom outlined in the accompanying explanatory paper. We understand academic freedom as the freedom of academic staff and students to engage in research, teaching, learning and communication in society without fear of reprisal. This is an indispensable aspect of quality learning, teaching and research in higher education as well as of democratic society. We will reinforce this commitment through ongoing political dialogue, peer learning and the development of an effective monitoring framework built upon credible information from independent sources. We

ask the BFUG to continue developing this EHEA monitoring framework, including through examining the feasibility of establishing an EHEA Observatory for the protection and promotion of fundamental values.

1 Introduction: The Task Force task

Through the Paris Communiqué, Ministers made a strong commitment to promoting and protecting fundamental values throughout the EHEA:

Academic freedom and integrity, institutional autonomy, participation of students and staff in higher education governance, and public responsibility for and of higher education form the backbone of the EHEA. Having seen these fundamental values challenged in recent years in some of our countries, we strongly commit to promoting and protecting them in the entire EHEA through intensified political dialogue and cooperation.

The issue of how to develop an approach to promoting and protecting these values was discussed by the BFUG at the Vienna meeting (27/28 September 2018) and assigned to a Task Force established under the auspices of WG1.

The three specific tasks agreed for the Task Force were:

1) To consider how fundamental values can be clearly understood in higher education systems across the EHEA.

2) To propose a methodology for future reporting to Ministerial Conferences on the issues defined as the fundamental values in the Paris Communiqué that recognises the limits of self-reporting and goes beyond this approach.

3) To recommend indicators of fundamental values, as well as the evidence required to assess them, and the source for such evidence.

This report is the output of the work of the Task Force.

2 Understanding Fundamental Values

The task of preparing a proposal for how to promote and protect fundamental values firstly requires agreement on the values under consideration. The remit of the Task Force focuses on the values outlined in the Paris Communiqué - academic freedom and integrity, institutional autonomy, participation of students and staff in higher education governance, and public responsibility for and of higher education. While other values should also be considered as fundamental, these particular values have been identified as fundamental values of the EHEA since its inception, and Ministers have committed to them in acceding to the

EHEA and/or adopting the successive communiqués[1]. By ratifying the International Covenant on Economic, Social and Cultural Rights, EHEA member states have also made a legally binding commitment to upholding the right to science, including to respect the freedom indispensable for scientific research[2].

The Task Force recognises that all of these fundamental values are of crucial importance. It has first considered the relevant ongoing work by organisations within and outside the BFUG on understanding these values and how they are promoted and protected in the EHEA.

Common understanding has been established for all of these values. Institutional autonomy, for example, is a concept that has been developed inter alia through the EUA Scorecards and country profiles on university autonomy in Europe[3], while the Council of Europe has a major body of work on the public responsibility for and of higher education[4]. EUA, ESU and EI have worked extensively on the participation of students and staff in higher education governance – and there are also indicators that have been used in the Bologna Process Implementation Reports that can continue to be used in the future. While the definitions and indicators reported through this body of work are very relevant, further work will be required to strengthen the protection and promotion of these particular fundamental values.

Academic freedom is also a long established and widely recognised fundamental value. However, to date there have been no indicators used in Bologna Process Implementation Reports to assess the level of protection, and less reporting than on other fundamental values from international and European organisations and stakeholders. Moreover in order to be able to assess the level of protection, there is first a need to outline a common understanding of academic freedom and to identify suitable data sources. The Task Force has therefore chosen to focus particularly on this issue as a first step in developing an effective monitoring framework to protect and promote fundamental values.

The Task Force considers it necessary and important to outline a clear

[1] See also document BFUG B3 7 4 October 2004, available at http://ehea.info/media.ehea.info/file/20041012-13_Noordwijk/79/9/BFUG3_7_further_accessions_579799.pdf, accessed on 27 September 2007

[2] All EHEA members, with the exception of Andorra and the Holy See, have ratified the ICESCR, and no reservations have been filed on article 15 (right to science): https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx

[3] https://eua.eu/resources/publications/350:university-autonomy%C2%A0in-europe-iii-%C2%A0the-scorecard-2017.html, accessed on July 3, 2019.

[4] See RecommendationsRec/ CM(2007)6 by the Committee of Ministers to member States on the public responsibility for higher education and research https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805d5dae and Rec/CM(2012)7 on the responsibility of public authorities for academic freedom and institutional autonomy https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805ca6f8 as well as Recommendation 1762 (2006) by the Parliamentary Assembly on academic freedom and institutional autonomy http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17469&lang=en.

understanding of academic freedom that is based upon the work established by international and national organisations[5]. This EHEA common understanding should be acknowledged by the ministers in the next EHEA Ministerial Communiqué in Rome in 2020. The Communiqué and its accompanying text would thus provide an agreed reference point for understanding, implementing, protecting and promoting academic freedom. The specific proposals of the Task Force can be found in appendix 1 to this paper.

3 Developing a monitoring system and indicators to protect and promote fundamental values in the EHEA

The Task Force recognises that it will take time to develop an effective monitoring system of fundamental values in the EHEA. It is important therefore to outline the nature of the process ahead. While a first step for the Task Force has been to consider how reliable information for future Bologna Process Implementation reports can be identified, it is clear that a broader approach to protection and promotion of fundamental values will be required. Indeed whatever is reported in the Bologna Process Implementation Report is only a small aspect of a European monitoring system. Other dimensions therefore also need to be considered.

Most importantly, an effective framework for monitoring fundamental values must

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5 The Task Force proposal for understanding academic freedom recalls in particular the following texts:

1. European Parliament recommendation of 29 November 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Defence of academic freedom in the EU's external action (2018/2117(INI)). Available at: http://www.europarl.europa.eu/doceo/document/TA-8-2018-0483_EN.pdf?redirect
2. UNESCO: 1997 Recommendation on the Status of Higher Education Personnel Available at: https://unesdoc.unesco.org/ark:/48223/pf0000113234.page=2

3 . CODESRIA: 1990 Dar es Salaam Declaration on Academic Freedom and Social Responsibility of Academics Available at: https://www.codesria.org/spip.php?article351

4 World University Service: 1988 Lima (Peru) Declaration on Academic Freedom and the Autonomy of Institutions of Higher Education Available at: https://www.wusgermany.de/sites/wusgermany.de/files/userfiles/WUS-Internationales/wus-lima-englisch.pdf

5 Magna Charta Observatory: 1988 Magna Charta Universitatum Available at: http://www.magna-charta.org/resources/files/the-magna-charta/english

6 American Association of University Professors: 1940 Statement of Principles on Academic Freedom and Tenure Available at: https://www.aaup.org/file/1940%20Statement.pdf

7 Council of Europe: 2006 Recommendation 1762: Academic Freedom and University Autonomy Available at: https://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-en.asp?FileID=17469&lang=en

encompass both de jure and de facto realities, and must capture a sufficiently representative depth and breadth of impressions and experience. Monitoring of national constitutional or higher education legislation, for example, could provide an impression of formal protection for the notions of academic freedom, institutional autonomy and participation of staff and students. But other regulations related to matters such as quality assurance, funding, institutional governance or staff promotion could reveal a much less favourable environment for the academic community. Likewise data on matters such as recognition, or lack of recognition, of formal protections in the day-to-day operations and practices of higher education institutions could support or materially alter initial impressions based on formal, legal standards alone.

In developing a monitoring framework that captures both de jure and de facto realities, it is essential to meet the challenge reflected in the variety of contexts in the EHEA and the many dimensions of the phenomena under consideration. The evidence base for indicators will necessarily have to come from a variety of sources. The principle of using data from a variety of sources (both within and outside governments' direct responsibility) to provide a more complete picture of reality is already established within the Bologna Process. For example administrative data, official statistical information and survey data from projects and stakeholder organisations are all routinely included in implementation reports.

It is essential that the framework insists on the long-established, core essence of each of the values shared across the EHEA, while also acknowledging the new realities and challenges influencing higher education, including the emergence of the EHEA itself. It is equally essential that, in addition to legal protection, the framework should recognise the possibility of alternative, equally valid practices for respecting and promoting shared fundamental values in different contexts, and should take account of such variety.

In the case of a monitoring framework for academic freedom, evidence could be drawn from legislation, regulations, events-based data, expert assessments and surveys, as well as other relevant reports. A number of organisations could contribute to such data collection – Bologna stakeholder organisations and consultative members, as well as organisations outside the BFUG such as Scholars at Risk and the Magna Charta Observatory and universities that conduct research on academic freedom. Ombudsman organisations may also be able to provide relevant information. Moreover, there are currently important developments being undertaken by researchers at FAU Erlangen-Nuremberg, the Global Public Policy Institute and the V-Dem Institute in establishing a global dataset on academic freedom that combines factual data and expert assessment.[6] Such country-level data, when it becomes available, can also be used in specific reporting on EHEA countries.

[6] https://www.gppi.net/2019/09/16/assessing-academic-freedom-worldwide

It is important not simply to collect data but to use them. Monitoring will enable stakeholders in various countries to see themselves through the lens of an EHEA mirror. This picture can be used to encourage self-reflection, positive peer learning and dialogue. The monitoring framework should therefore be based, as far as possible, on evidence collected and assessed by bodies or teams independent of public authorities.

The Task Force agrees that it is important to explore the idea of establishing a new EHEA Observatory to monitor fundamental values given the specialised and complex issues and variety of contexts to be considered. Such an institution could function in a similar manner to independent human rights bodies. The composition of such a new body, its mandate and functions could all be explored by the Task Force upon an extension of its mandate.

The Task Force has also discussed the potential development of already established Bologna mechanisms, and considered in particular arguments for and against adjusting the framework for quality assurance at European level - Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) and the role of EQAR.

With regard to the ESG, the current version acknowledges that quality assurance policy within a higher education institution is most effective when it supports…. "Academic integrity and freedom and is vigilant against academic fraud." (ESG p11). The open issue is whether a future edition of the ESG should consider strengthening this focus on fundamental values and in particular academic freedom. The main arguments in favour of doing so are:

- The ESG provide a framework for quality assurance in the EHEA "related to learning and teaching in higher education, including the learning environment and relevant links to research and innovation". As academic freedom is understood as an indispensible component of academic quality in all its missions - research, learning and teaching - the fact that there is no requirement to verify how far it is protected and promoted is problematic. Taking for granted academic freedom in quality assurance processes risks undermining the other purposes and principles of the ESG.

- The issues that are specifically mentioned in the ESG give a signal of what is considered important in the EHEA. It is therefore important to focus more specifically on the protection and promotion of academic freedom in order to demonstrate the importance of this topic.

- The established role of the ESG in the EHEA provides a pragmatic opportunity to strengthen collective EHEA responsibility for academic freedom.

- The role of EQAR in promoting and protecting fundamental values, and in

particular academic freedom, could also be strengthened as a consequence of strengthening the ESG. If external reviews of QA agencies were also to focus on protection of academic freedom, it would be necessary for agencies to demonstrate that they ensure an environment that promotes and protects academic freedom. This would send an important signal in the EHEA.

Arguments have also been put forward against strengthening the focus of the ESG on academic freedom:

- ENQA, EUA and ESU are convinced that the ESG in their current form already support a 'fundamental values' agenda in the EHEA. They caution that external quality assurance processes and mechanisms will not result in an improved collection, analysis and comparison of data on 'fundamental values' and that the ESG will not offer a suitable tool "to verify how far [academic freedom] is protected and promoted" in the EHEA.

- The ESG are widely considered as a major success. They function very effectively now, with their primary focus being on learning and teaching. Expanding the scope to address complex issues of fundamental values such as academic freedom, where quality assurance practitioners may lack expertise and experience, runs the risk of diluting this effectiveness.

- Quality assurance agencies may currently do a good job even if they pay no overt attention to questions of fundamental values. If the focus on fundamental values were strengthened in the ESG, there is a danger that in some cases this could result in a well-functioning quality assurance agency being sanctioned and/or excluded from European cooperation as a result of a political reality that is beyond its control.

- Opening up the issue of fundamental values for discussion within a future revision of the ESG may encourage other Bologna working groups also to make proposals to expand the scope of the ESG, again running the risk that the effectiveness of the current work is diluted.

- Other ESG-inspired mechanisms for monitoring fundamental values (such as European Principles and Criteria for fundamental values coupled with the establishment of an EHEA Observatory) may provide a better and more focused solution.

The Task Force recommends that these issues are explored in any future process to revise and update the ESG.

Developing an effective monitoring framework for fundamental values requires careful planning and a staged development. The first step is to secure the commitment in the next EHEA Ministerial Communiqué in Rome in 2020 for the BFUG to continue its work on developing a monitoring framework, alongside the recognition of the common understanding of academic freedom.

The next step beyond 2020 should be to ensure that de jure monitoring of issues related to the fundamental values outlined in the Paris Communiqué takes place as early as possible. Data on legal protections can be collected and reported in the next edition of the Bologna Process Implementation Report in 2023. This would build upon information that was already collected for the 2018 Implementation Report, as well as using more developed comparative analysis undertaken by researchers in the field.

At the same time as de jure monitoring is taking place, work should continue on developing options for de facto monitoring – particularly in relation to academic freedom – including different potential options for the types of data to be explored and methods for collecting and combining data. The period 2020-2023 would thus see continued development and identification of de jure and de facto data on fundamental values, as well as continued efforts by the Task Force to develop and articulate a comprehensive, effective and evidence-based framework for all fundamental values. The 2023 Ministerial Conference would be a staging post for the presentation of comprehensive de jure data, as well as available de facto indicators, and a preliminary framework. By 2025-2026 a fully developed, comprehensive and effective monitoring framework could be in place.

The Task Force therefore recommends that its mandate extends beyond 2020 in order to pursue this work.

Appendix 1 Text outlining a common understanding of academic freedom

This text, developed by the BFUG in consultation with a range of experts and stakeholder organisations, aims to outline a shared understanding of academic freedom for the EHEA, and to provide a first basis for the future development of indicators.

Academic freedom is an indispensable aspect of quality learning, teaching and research in higher education as well as of democracy. It is a necessary condition for higher education institutions to produce and transmit knowledge as a public good for the benefit of society. It guarantees academics and students the freedom of thought and inquiry to advance knowledge through research and to exchange openly, as well as the freedom to communicate the results of research

within and outside of the framework of academic institutions and programmes.

Academic freedom is a distinct, fundamental democratic right in part grounded in the right to education, and shares elements with freedom of thought, opinion and expression. Academic freedom must be framed by rigourous scientific and professional standards, respect for the rights of others, ethincal conduct and the awareness of the impact of research on humans and their environment. It is crucial in order to advance the standards of academic disciplines and fields of enquiry. As such, academic freedom protects not only individual scholarship and expression but also the free functioning of academic institutions in democratic societies. Institutional autonomy is constitutive for academic freedom.

Academic freedom designates the freedom of the academic community – including academic staff and students - in respect of research, teaching and learning and, more broadly, the dissemination of research and teaching outcomes both within and outside the higher education sector. In essence the concept ensures that the academic community may engage in research, teaching, learning and communication in society without fear of reprisal.

Academic freedom is also an essential element of democracy. Societies cannot be genuinely democratic without honouring academic freedom and institutional autonomy. At the same time, the fundamental values of the EHEA cannot be fully realised except in democratic societies. Academic freedom is similar to freedom of expression and is both informed by the standards of academic disciplines and provides the condition for challenging these standards based on the results of research.

The concept, although seemingly simple, is in reality highly complex, and intricately related to other fundamental values such as institutional autonomy and public responsibility for and of higher education. Academic freedom is a universal value rooted in the pursuit of knowledge and truth. Its core tenets cannot be understood and interpreted differently in different national contexts or types of higher education institution. But academic freedom is not an absolute value, and its exercise is shaped by the institutions in which we work and the societies in which we live. Thus the range of conduct and boundaries of inquiry and expression which academic freedom protects are often a source of debate.

Academic freedom can be understood to comprise the freedom to learn, to teach and to research, with each of these freedoms entailing the freedom to think, to question, and to share ideas, both inside and outside the higher education sector. Giving meaning and life to these freedoms in the reality of the academic environment automatically opens up a number of issues. The freedom to teach can only be realised concretely in combination with public and social responsibility and institutional autonomy. Public authorities have the responsibility to ensure that relevant higher education programmes are offered to citizens, while autonomous higher education institutions assume a large responsibility for research underpinning programmes and for how they are taught. Academic staff also exercise a strong responsibility in setting the

curriculum and programme components, and developing the teaching methods employed.

Higher education governance also has an impact on the freedoms to learn, teach and research, and should be organised consciously in ways that respect academic freedom. Different governance models co-exist in Europe with academic staff and students differently represented in governing and decision-making bodies. Participation in governing bodies may favour the teaching and research missions of the institution and may reflect the goal of broader societal engagement. Whatever the particular model, academic staff and students should participate meaningfully in decision-making processes and have the right to express their views on their institution's policies and priorities without fear of reprisals.

Values are inter-connected, and the freedom to teach also raises the question of who is to be taught and is thus intimately linked to the freedom to learn. In turn these values relate to equitable access, with a range of issues on criteria and conditions for access to higher education needing to be addressed through societal dialogue and administrative procedures.

Similarly questions also need to be asked about who is doing the teaching and research, and the kind of decision-making process in place for academic staff recruitment and retention. It is essential to ensure that academic staff benefit from sufficiently secure employment conditions to be able to exercise academic freedom. Academic staff should never suffer threats, dismissal, or other sanctions in relation to the content of their research, teaching or stated professional views.

The freedom to research includes the right, consistent with professional standards of the respective discipline, to determine: what shall (or shall not) be researched; how it shall be researched; who shall research, with whom and for what purpose research shall be pursued; the methods by which, and avenues through which, research findings shall be disseminated.

These questions cannot be addressed in a vacuum. Determining which research programmes or disciplines are offered at any given institution is a complex question involving public authorities and institutions in difficult, strategic choices. Research requires financing – which may come from both public and private sources – and in many cases also requires careful consideration of ethical issues.

Although academic freedom is intrinsic to quality higher education, it is not a value that can be automatically assumed. Rather the interaction of the different elements and conditions that ensure that academic freedom is operationalised need to be constructed, regularly assessed, protected and promoted.