

# SUMMARY

## Why this analysis?

In recent years, academic freedom has received frequent attention in Dutch newspapers, university magazines, parliamentary debates and Twitter messages. This attention and the ensuing debate are more than justified. After all, academic freedom is essential for excellent, innovative and critical academic practice in an open knowledge society.

The current debate shows that it is not always self-evident what academic freedom means in the Netherlands, what limits can legitimately be imposed on it and who bears what responsibility. For this reason, the Academy has detailed the concept with regard to academic research and education in the Netherlands. This analysis is not intended to bring the debate on academic freedom to a conclusion, however. On the contrary, the Academy is aiming to provide an initial impetus for further exploration and discussion.

## Academic freedom and its limits

The Academy defines academic freedom as the principle that staff of academic institutions are free to perform their scientific research, disclose their findings and teach. This freedom applies, for instance, to:

- choosing research topics;
- choosing and applying research questions and methods;

- accessing information sources;
- publishing and sharing information through conferences, lectures and membership of academic groups;
- choosing to collaborate with academic partners; and
- designing academic education.

Scientists (in this summary, ‘scientists’ are understood to be scientists and scholars from all domains) must be able to pursue their curiosity, creativity and critical spirit in all these areas, in order to build a comprehensive knowledge base and provide students with broad training.

Academic freedom is linked to the scientist’s *job*. This relationship also makes clear the distinction between academic freedom and a number of fundamental rights to which this freedom is closely related. For scientists, for example, their freedom of speech falls under academic freedom as long as their statements are related to their job as scientists. This is not just about the freedom to report findings, which are based on careful argumentation and evidence. Scientists should also be free to formulate hypotheses and express provisional views. As soon as scientists express opinions on subjects outside their field of expertise, they have freedom of speech just like other citizens, but they cannot claim academic freedom.

The limits of academic freedom are determined largely by professional standards of academic practice. These have been laid down for scientific research in the Netherlands Code of Conduct for Research Integrity. The standards are determined by five principles: honesty, scrupulousness, transparency, independence, and responsibility. Consequently, academic freedom does not mean that scientists are free, for example, to falsify data or otherwise conduct unsound or unethical research.

## Responsibilities of scientists themselves

One of the professional standards that may limit and direct academic freedom in practice is the responsibility for people, society and the environment. The Netherlands Code of Conduct for Research Integrity states that scientists, in their role of *researchers*, should take reasonable account of the interests of those involved in their research and those of their environment. This principle also implies that researchers should practice science that is scientifically and/or socially relevant. Against this background, scientists should always seek a proper balance between academic freedom and independence on the one hand and social responsibility on the other. For example, in research that contributes to policy development, scientists need to distinguish as carefully and transparently as possible between scientific analyses and the political choices that can be based on such analyses. In the public

debate, they themselves have the responsibility for distinguishing their opinions as scientists and as citizens and to explain the nature of their contribution carefully.

A frequently used method of assessing quality is peer review, in which scientists assess one another's manuscripts and project proposals, in which selection committees assess candidates, or in which scientists evaluate each other's training programmes and research units. This collective dimension of research is very valuable. This does mean, however, that in the role of *peers*, scientists have a responsibility not to unnecessarily restrict each other's freedom. Assessors should adopt a serious attitude to views that differ from their own. Otherwise, bias and the formation of "schools of thought", whether or not intentional, can erode the diversity of perspectives that constitutes a fertile breeding ground for good research.

As *tutors*, scientists should also offer their students academic freedom in the form of a safe learning environment in which there is room for a diversity of approaches and in which discussions are conducted respectfully on the basis of arguments.

## **Responsibilities for boards, government and commissioning parties**

Academic institutions, the government and commissioning parties also have a responsibility to bring about academic freedom. University and faculty boards have a responsibility not to interfere in research and education beyond what is reasonable. In addition to the duty to *respect* academic freedom, universities have a responsibility to *protect* the scientists at their institution from coercion and pressure by the government, commissioning parties and funding bodies, and fellow scientists.

The *government* must also respect academic freedom and refrain from interfering with aspects of research and education, such as subject matter, method, data collection, analysis, publication and quality assessment. The government may only place restrictions on academic freedom if there is a legal basis for doing so, if they serve a legitimate purpose and if they are necessary in a democratic society. In addition, *as the commissioning party*, the government may not attempt to influence the results of scientific research or prevent the publication of research results that it finds disagreeable.

Furthermore, the Dutch government should create the necessary underlying conditions to enable academic freedom. Academic freedom benefits from a stable and reliable institutional context, without undesirable dependencies and with sufficient continuity. In its facilitating role, too, the government has a responsibility to guarantee academic freedom and to maintain unfettered research and education to a sufficient degree.

The government should not only guarantee the academic freedom of individual scientists, but also the autonomy of scientific institutions. For example, it must respect the freedom of institutions to make their own choices regarding the internal allocation of funds from the first flow of funds for education and research.

*Citizens, businesses and civil society* (including internationally) are increasingly involved in academia, which reinforces its societal relevance. One form of such involvement is research funding in the form of partnerships, co-financing or contract research. In these relationships, private financiers and commissioning parties have a responsibility to respect academic freedom. For example, it is advisable to have scientists *and* commissioning parties sign an independence statement when entering into collaboration (see Academy, 2005 for a sample statement).

## Possible areas of contention

In Dutch funding policy, conflict may arise between academic freedom on the one hand and the social responsibility of academia on the other. Due to scarcity in the first flow of funds, scientists are now heavily dependent on competitive research funding from NWO (Dutch Research Council) and ZonMW (Netherlands Organisation for Health Research and Development). In recent years, the spending by NWO and ZonMW has shifted towards more strategic research at the expense of unfettered research. In strategic research, various academic and non-academic parties join forces to tackle societal challenges. Collaboration is an effective way of fulfilling the social mission of academia. However, scientists must not become too dependent on such collaboration, as this may lead to undesirable influence not only on the research, but also on the scientific research agenda or the curriculum.

Protecting academic freedom means that *government* funding policy should allow for sufficient scope for unfettered research. *Scientific institutions* have a responsibility to organise their staffing policy, research policy and expenditure in such a way as to leave sufficient scope for unfettered research and avoid undesirable dependencies that increase the risk of influence. In addition, scientific institutions, *businesses* and *scientists* have a duty to properly set out the independence of scientists in contracts and to be transparent about their collaboration.

A second area of conflict is the ‘embedding guarantee’ that NWO requires for applicants in two of its talent programmes. Scientists must first have a commitment from a university – for a permanent position, tenure track or access to facilities – before they can apply for funding. One of the purposes of this requirement is to reduce application pressure. The talent programmes are explicitly intended for talented and creative researchers to perform their own innovative line of research, and this requirement may therefore be considered as a limitation of academic

freedom. To manage this limitation, a careful selection procedure for positions at and guarantees from a university are essential. Important focus points are an open and flexible job profile and a balanced and diverse composition of selection and advisory committees.

A third area where conflicts may arise is the invitation policy for speakers from outside the university. In this case, a visit by a speaker to a university must have a relationship with academia – whether for the purposes of research, teaching, student formation or valorisation. If such a relationship exists, *scientists*, *students* and *institutions* have a responsibility to have open debates and not to restrict each other or others. Finally, it is the responsibility of the *government* to stay out of any discussions surrounding controversial speakers.

## Suggestions for a guideline and further studies

The questions below can help you get a better grip on areas of contention.

*Insight into the area of contention:*

- Do the limits on academic freedom serve other aspects of good and responsible scientific practice?
- Is there sufficient scope for unfettered research and education and are no undesirable dependencies being created?

*Responsibility for balancing academic freedom:*

- Is the greatest possible academic freedom being created, while at the same time taking into account other characteristics of and conditions for good and responsible scientific practice?
- Who bears responsibility for achieving academic freedom while balancing it with other aspects of good and responsible scientific practice?