

UNIVERSITY OF LEICESTER ORDINANCE

ACADEMIC FREEDOM (Ordinance Policy)

For use in:	All Schools/Departments/Colleges of the University
For use by:	All employees in the Teaching & Research Job Family
Owner	Staffing Policy Committee
Dates of Trade Union Consultation	Start: 8 January 2010 End: 2 March 2011
Date of Approval by Strategy, Policy and Resources Committee	15 November 2010
Date of Approval by Senate	30 March 2011
Date of Approval by Council	4 April 2011
Dates of Trade Union Ballots	13 June to 6 July 2011
Launch Date	12 September 2011
Review Date	
Contact - Comments	Alun Reynolds – Geraldine McAughtry

ORDINANCE AGREEMENT ON THE DEFINITION OF ACADEMIC FREEDOM

Introduction

The University of Leicester and the University of Leicester's recognised Trade Unions - UCU, UNITE and UNISON - have agreed the following definition of academic freedom which has been informed by Sections VI and VII of the Recommendation concerning the Status of Higher-Education Teaching Personnel adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris on 11 November 1997.

This definition will be applied by the University when making decisions about Academic Freedom under the following University Ordinances:

- Discipline
- Grievance
- Probation
- Performance Management
- Redundancy
- Dismissal for Some Other Substantial Reason

The above Ordinances will include appropriate procedural modifications to ensure the protection of Academic Freedom. In addition, where it is appropriate and agreed by a Pro-Vice-Chancellor, the same procedural modifications may also be made to other Ordinances where Academic Freedom has been demonstrated as the main grounds of a case.

Scope

The University will maintain the academic freedom of staff as per the University's statute. That is to say, freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom from institutional censorship and freedom to participate in professional or representative academic bodies.

This agreement applies to staff in the Teaching and Research job family and staff who, as part of their designated University duties, are engaged in research as an independent researcher or in teaching.

Rights of staff undertaking academic duties

The rights of staff undertaking academic duties are set out in the guiding principles of Section 8 of the University's Statute (Statute 8):

- a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
- b) to enable the University to provide education, promote learning and engage in research efficiently and economically; and
- c) to apply the principles of justice and fairness.

The University will maintain the right of staff to exercise their academic freedom as follows:

- a) to fulfil their functions without unlawful discrimination of any kind;
- b) subject to the rights of the University to manage its activity efficiently and economically, to teach without any interference, subject to accepted professional principles including professional responsibility and intellectual rigour with regard to standards and methods of teaching. They should not be forced to instruct against their own best knowledge and conscience or be forced to use curricula and methods contrary to national and international human rights standards. They should also have the right, through consultation by management with the Senate from time to time, to play a significant role in determining the curriculum;
- c) subject to the rights of the University to manage its activity efficiently and economically, to carry out research work without any undue interference, or any suppression, in accordance with their professional responsibility and subject to nationally and internationally recognized professional principles of intellectual rigour, scientific inquiry and research ethics. They should also have the right to publish and communicate.

Staff Responsibilities

Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research on an honest search for truth. Teaching, research and scholarship should be conducted in full accordance with ethical and professional standards.

Therefore, staff have a duty to:

- a) base their research and scholarship on an honest search for knowledge with due respect for evidence, impartial reasoning and honesty in reporting;
- b) observe the ethics of research involving humans, animals, heritage and the environment;
- c) respect and to acknowledge the scholarly work of academic colleagues and students and, in particular, to ensure that authorship of published works includes all who have materially contributed to, and share responsibility for, the contents of a publication;
- d) refrain from using new information, concepts or data that were originally obtained as a result of access to confidential manuscripts or applications for funds for research or training that may have been seen as the result of processes such as peer review, unless the author has given permission;
- e) ensure that research is conducted according to the laws and regulations of the state in which the research is carried out, that it does not violate international codes of human rights, and that the results of the research and the data on which it is based are effectively made available to scholars and researchers in the host institution, except where this might place respondents in peril or where confidentiality has been guaranteed;
- f) ensure that their professional or academic activities do not conflict with relevant national/EU or International law or their employment at the University.

The University may class any material breach of these responsibilities as misconduct or gross misconduct and will consider the possibility of taking formal action under the relevant Ordinance should such a breach occur.