# MODEL CODE OF CONDUCT:

## Protection of Academic Freedom and the Academic Community in the Context of the Internationalisation of the UK HE Sector

## I. Purpose:

The internationalisation of UK Higher Education (HE) presents both opportunities and risks to academic freedom and the academic community. This model code of conduct invites UK HE institutions to work in partnership with their academic communities to meet these challenges. The goal is to adopt shared responsibilities and to deepen transparency and accountability across the sector.

We are a group of academics from several UK Higher Education institutions, supported by civil society representatives and the All-Party Parliamentary Human Rights Group (PHRG), who have been brought together by a common concern for the protection of academic freedom and the academic community in the context of internationalisation of UK HE. The Academic Freedom and Internationalisation Working Group (AFIWG) is an independent initiative which relies on voluntary participation and commitment from its members.

## II. Key Definitions:

**Academic Freedom:** Academic freedom is difficult to define precisely. In this Model Code of Conduct it is defined as the intellectual independence of members of the academic community, both individually and collectively. In particular it emphasises their freedom to:
- teach, discuss, assess, define the curriculum and study within their areas of academic expertise and/or inquiry;
- promote and engage in academic thinking, debate and inquiry;
- carry out research, and publish the results and make them known;
- freely express opinions about the academic institution or system in which they work or study;
- participate in professional or representative academic bodies;
- not be censored; and,
- fulfil their functions without discrimination or fear of repression.

The above is reflected in the provisions of the 1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (Section VI(A)); the 1988 Education Reform Act Section 202(2)(a); and, the 2017 Higher Education and Research Act Section 2(8)(c).

**Academic members:** An academic member is defined as a member of the academic community teaching, researching and/or studying at a UK HE institution(s), exercising their academic freedom.

**Internationalisation of UK Higher Education Sector:** In the context of the code of conduct this process refers to the incorporation by UK HE institutions of an international dimension into UK HE processes and delivery, particularly through transnational collaboration.

**Transnational collaboration**: This process refers to activities or interactions between a UK HE institution and an international actor(s), including but not limited to: foreign campuses, gifts/donations, fieldwork abroad, transnational research, student exchanges, joint accreditation and awarding of degrees, related teaching activities and employment, related online/virtual activities, on-campus and off-campus activities, commercial activities, and access to the UK HE institution's community, facilities, and resources.

## III. Rationale:

The internationalisation of UK Higher Education (HE) is an increasing trend with many positive impacts for UK HE institutions and the academic community, including the widening of the overall knowledge base, the advancement of academic excellence, and an important means of institutional economic sustainability.

Internationalisation has both inward and outward dimensions. It refers to, *inter alia*: institutional cooperation by UK HE institutions; international visits by academics and students from UK HE institutions for study and research; the receipt of donations by UK HE institutions from overseas countries, organisations or individuals; and, the participation of international faculty members and students at UK HE institutions. It can also encompass the resourcing by UK donors and actors, like UKRI and FCDO, to support transnational institutional cooperation.

Internationalisation can, however, give rise to challenges to academic freedom and the safety of members of the academic community, particularly when the international actor(s) involved seeks to curtail or shape intellectual inquiry and/or critical thinking about particular topics. The freedom and funding of academic practice are closely linked.

Violations of the right to academic freedom in this context can involve and result in surveillance, intimidation, self-censorship, suspension, being banned from academic posts, persecution, attacks, visa denials, deportation, coercive pressure on relatives, prosecution, detention, or, in the most extreme cases, death, obviously impacting the enjoyment of other fundamental rights, such as the right to privacy, freedom of expression, liberty and life.

The good faith of all actors in these relationships cannot be assumed, and therefore current protocols on internationalisation require revision. It is important for the UK HE Sector to openly acknowledge these challenges, which extend beyond questions of intellectual

property and national security. Institutions should work collectively and transparently to identify, assess, mitigate and address relevant risks so the on-going internationalisation of the Sector continues to be positive for the UK HE Sector as a whole, and upholds the Sector's institutional autonomy.

This Model Code of Conduct is designed, therefore, to highlight key responsibilities for UK HE institutions that would embed transparency and accountability at all stages of transnational collaboration, for adoption in close consultation with their respective academic communities, and collectively across the UK HE Sector, and to effectively implement the UUK guidelines on managing risk in international partnerships. By adopting this voluntary code, UK HEIs can both reassert their autonomy and demonstrate effective self-regulation.

Though it is recognised that there are other challenges to academic freedom within the UK HE Sector, this document is limited to the context of internationalisation.


## *IV. General Responsibilities:*


### UK HE institutions commit to:

1. Ensuring all transnational collaboration serves to build on the academic excellence, and further enhance the standing of, the UK HE Sector and the academic community, by:

    (a) affirming frequently and publicly the importance of academic freedom and the safety of the academic community in such collaborations generally, as well as in the presence of international actors; and,
    (b) protecting academic freedom and the academic community at all stages of a specific transnational collaborative activity or interaction.

2. Undertaking meaningful risk assessment and ethical due diligence when transnational collaboration is being considered, *before* any agreement or arrangement is entered into, to include:

    (a) a thorough evaluation of the proposed collaborative activity/interaction and its potential impact on academic freedom and the academic community, with reference to publicly available data, such as the Academic Freedom Index and SAR's Academic Freedom Monitoring Project, area expertise from within, and, if necessary, beyond the institution, and all other relevant information;
    (b) substantive background checks into the international actor(s) seeking collaboration; and,
    (c) an understanding of the reasons and expectations motivating collaboration by the international actor(s).

3. Where a risk to academic freedom has been identified, agreeing and putting in place, *from the outset,* measures (such as those recommendations of best practice in section V) to protect academic freedom and the academic community commensurate to the risks involved in the transnational collaboration, with such measures to be monitored and their effectiveness in mitigating the risk evaluated on a regular basis.

4. Adapting such mitigation measures if they prove ineffective, or, urgently reviewing the transnational collaboration if there is imminent risk to life, liberty or the personal security of members of the academic community.

5. Consulting, in a meaningful and transparent manner, all institutional stakeholders, to include members of the academic community with knowledge of the international actor(s) or regional/national context in question, at all stages and always as soon as practicable.

6. Adopting effective procedures for confidential and independent internal reporting for the academic community on threats to academic freedom and the safety of its members arising from transnational collaboration, and ensuring appropriate action is taken to protect academic freedom and/or members of the academic community on the basis of such reports, with a guarantee that there will be no retaliatory action against those reporting concerns of making complaints.

7. Reporting to their staff and students, on an annual basis, on steps taken to implement the Model Code of Conduct and related activity, in addition to reports to governing bodies.

8. Providing specific support to members of the academic community at-risk or punished for exercising their academic freedom, including by:

   (a) supporting their visa applications;
   (b) supporting their asylum applications when they have a well-founded fear of persecution;
   (c) developing an internal emergency response to address situations where life and/or liberty is in imminent danger;
   (d) advocating publicly and privately on their behalf when they are imprisoned, disappeared or facing administrative and judicial sanctions;
   (e) engaging with relevant UK authorities, such as the police, the Home Office and Foreign Office, as appropriate; and,
   (f) hosting fellows, and their families if relevant, through programmes such as those run by Cara and SAR, as well as providing appropriate support to enable them to adapt to their new academic environment.

9. Designating an individual with internal institutional responsibility for the protection of academic freedom and the academic community in this context, including confidential reporting, annual reporting, and support for members of the academic community endangered by exercising or upholding academic freedom.

10. Consulting widely on the adoption and implementation of the Model Code of Conduct, publicising it prominently on their website and in all other related communications, and highlighting it at an early stage in dealings with international actors, in addition to sharing, promoting and facilitating the development of best practice in this area within the UK HE Sector, and more widely.

# V. Best Practice Recommendations

## 1. UK HE institutions' international partnerships

The UK HE Institution will:

(a) Ensure agreements (including any partially binding and non-binding Memoranda of Understanding (MoUs) ) on international partnerships, including foreign campuses and the affiliation of foreign education/research institutions to UK HE institutions within the UK, are subject to consultation and review across the university; based on standard language reflecting the values of the institution and committing all parties to respect academic freedom, especially with respect to the curriculum, assessment and hiring decisions.

(b) Provide a mechanism for confidential reporting to a designated individual at the HE institution's UK campus on threats to academic freedom in connection with international partnerships, and share concerns, with appropriate safeguards, with other UK universities involved in similar international partnerships.

(c) Include in annual reports an assessment of risks to academic freedom and how these are being addressed in connection with international partnerships, and actively disseminate this assessment through staff and student induction processes and at an open annual review meeting.

## 2. Fieldwork abroad[1]

The UK Higher Education Institution will:

(a) Evaluate academic freedom, and the risks associated with its absence, when planning fieldwork and field trips abroad, with reference to publicly available data, such as the Academic Freedom Index and SAR's Academic Freedom Monitoring Project, area expertise within, and, if necessary, beyond the institution, and all other relevant information, to inform measures adopted to mitigate related risks.

(b) Include training on academic freedom in pre-departure training courses, including a basic overview of respect for academic freedom globally and consideration of limitations/risks in geographic and academic areas of interest (i.e., "risk management").

(c) Make available enhanced travel insurance, which covers politically motivated or arbitrary detention by state authorities, to members of the academic community engaging on fieldwork in places where a heightened risk to, or a deficit of, academic freedom has been identified, and integrate this insurance process with internal ethics review processes.

## 3. Members of the international academic community and/or students teaching, researching or studying at a UK HE institution

The UK Higher Education Institution will:

(a) Ensure that academic freedom requirements, including personal data protection for

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[1] AFIWG. Policy Primer 4: Enabling Fieldwork in Difficult Environments, October 2021. Available at: https://hrc.sas.ac.uk/sites/default/files/files/AFIWG/4_%20ENABLING%20FIELDWORK.pdf

these members of the academic community, are incorporated within all agreements with state scholarship programmes, all faculty exchange agreements and any similar visit or exchange relationships, as well as ensure all agreements affirm the right of the UK HE host institution and these members of the academic community to maintain contact after the latter's return to their home country.

(b) Establish a confidential and independent internal reporting mechanism to a designated individual on campus for cases or issues of concern in relation to the academic freedom of these members of the academic community.

(c) Provide anonymised summary data on cases and issues in a section of the annual report, and, where a case has become public, a detailed assessment of the case and the actions taken.

(d) Provide specific guidance to these members of the academic community regarding their right to academic freedom, to be included in induction processes and throughout their employment and/or studies.

(e) Establish a safeguarding policy for these members of the academic community to protect their academic freedom where this is deemed to be at risk by transnational collaboration.

(f) Take steps to protect the academic freedom of these members of the academic community engaged in distance education at a UK HE institution, including through safeguards for personal data, secure use of online discussion platforms, and safe access to online teaching and learning materials.

## 4. Grants, donations and other funding to UK HE research and/or education[2]

The UK Higher Education Institution will:

(a) Include academic freedom criteria, with reference to publicly available data, such as the Academic Freedom Index and SAR's Academic Freedom Monitoring Project, area expertise from within, and, if necessary, beyond the institution, and all other relevant information, when considering the receipt of gifts, donations and other funding to support transnational collaboration.

(b) Undertake an academic freedom risk assessment as part of a general risk assessment and due diligence with regard to new or renewed grants, donations and other funding streams, and establish transparent processes to review such risks, their mitigation and related changes over time. These assessments and processes will seek to protect the academic freedom of all under such funding arrangements, especially that of individuals visiting or cooperating transnationally with UK HE institutions but ordinarily based in institutions and countries where academic freedom is deemed at risk.

(c) Make summary information on all foreign gifts/donations public, and include a section in the annual report on the operation of the MoUs and any other foreign gifts/donations, with specific reference to academic freedom, risks that have arisen or are on-going and how these are being mitigated; and further undertake, in connection with any such funding arrangements, not to enter into non-disclosure agreements.

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[2] AFIWG. Policy Primer 3: Foreign Funding and Risks to Academic Freedom, October 2021. Available at: https://hrc.sas.ac.uk/sites/default/files/files/AFIWG/3_%20FOREIGN%20FUNDING%20AND%20RISKS%20TO%20ACADEMIC%20FREEDOM.pdf

# **ANNEX**

## **Links to references in the Draft Model Code of Conduct**

### *1. Defining Academic Freedom:*

- 1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (Section VI(A)): http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html
- The 1988 Education Reform Act Section 202(2)(a): https://www.legislation.gov.uk/ukpga/1988/40/section/202?view=plain
- The 2017 Higher Education and Research Act Section 2(8)(c): https://www.legislation.gov.uk/ukpga/2017/29/pdfs/ukpga_20170029_en.pdf
- UCU Statement on Academic Freedom: https://www.ucu.org.uk/academicfreedom

### *2. Guidance for Due Diligence and Risk Assessment Processes:*

- Academic Freedom Index, Global Public Policy Institute: https://www.gppi.net/project/assessing-academic-freedom-worldwide; Free Universities: Putting the Academic Freedom Index Into Action - GPPi
- Academic Freedom Monitoring Project, Scholars at Risk: Academic Freedom Monitoring Project Index | Scholars at Risk
- Protecting Higher Education Values, Scholars at Risk: https://www.scholarsatrisk.org/wp-content/uploads/2020/05/SAR_PHV_DiscussionGuide_v20_ONLINE.pdf
- The Global Forum on Academic Freedom, Institutional Autonomy, and the Future of Democracy (Council of Europe): https://www.coe.int/en/web/education/globalforum
- Observatory Magna Charta Universitatum: http://www.magna-charta.org/
- Managing Risks in Internationalisation: Security Related Issues, Universities UK: https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/managing-risks-internationalisation

### *3. Organisations Focused on Protecting Academics at Risk:*

- Cara (Council for At-Risk Academics): https://www.cara.ngo
- SAR (Scholars at Risk): https://www.scholarsatrisk.org

### *4.    International Statements in Support of Academic Freedom*

- European Higher Education Area: Rome Ministerial Communiqué – Statement on Academic Freedom:

http://ehea.info/Upload/Rome_Ministerial_Communique_Annex_I.pdf
- Bonn Declaration on Freedom of Scientific Research (2020):
  https://bmbf.bmbfcluster.de/files/_DRP-EFR-Bonner_Erkl%C3%A4rung_EN_with%20signatures_M%C3%A4rz_2021.pdf


## *5.      Other Relevant Government and Professional Organisations/Contact Points:*

- UCU – University and College Union: https://www.ucu.org.uk
- UUKi - Universities UK International: https://www.universitiesuk.ac.uk/International
- International Education Champion:
  https://www.gov.uk/government/news/universities-minister-sets-out support-for-international-students