

THE UNIVERSITY OF HONG KONG

Senate Task Force on Academic Freedom

Summary of the Report

This summary provides only a key to the principal ideas of the main report for ease of scanning. It omits much detail, and should not be read as definitive in any sense or as having the same balance of views or explanations as was attempted there. The original report, as accepted by Senate and Council, represents the formal position. In particular, the main outcomes (definition, examples, procedure) are not repeated now. For ease of cross-referencing, the original paragraph numbers are retained.

Introduction

1. The Senate set up the Task Force to consider all aspects of the promotion and defence of academic freedom within the institution.
4. The topic is large and complex, and no final pronouncement is feasible. The outcome is in three parts: (A) working definition with explanation; (B) examples of academic freedoms and related responsibilities; and (C) a procedure for handling grievances. A detailed discussion of issues follows.
5. Because of the complexity, the Report can only be a basis for wider discussion.

Consultation

19. The Task Force sought feedback from members of the University and alumni by posing one question: *“Do you believe that you have suffered any infringement of your academic freedom at The University of Hong Kong?”*
20. It was clear that the issue causes concern and a number of comments and reports were received.
22. Views varied considerably, sometimes incompatibly. The report represents a “best effort” at summarizing the attitudes and values associated with the concept of academic freedom.
23. We addressed perceived problems.
24. We may not rely on individuals' lack of trouble to reassure those who feel subject to pressure. Many academic subjects appear free of risk, but certain areas may be more vulnerable. While many have had no difficulties, we are obliged to look after the rights of all.
25. Academic freedom is not clearly separated from other areas where power or authority is involved. This arises generally where decisions are delegated or entrusted to others.
26. A report such as this necessarily focuses on negative aspects, the University of Hong Kong may be seen as greatly affected by such problems; this is wrong. Such difficulties are not unique. The report is an indicator of academic freedom at HKU, as is the recognition that there is room for improvement.
27. External pressures may affect staff, mainly through funding based on output. A management failing may not be deliberately to infringe academic freedom. Transparent processes are needed.

The need for academic freedom

28. Academic freedom is enshrined in the Basic Law of Hong Kong, Article 137, although not defined. External threats to academic freedom require the institution to explain, promote and defend academic

freedom to legislators, civil servants and the government itself. Article 136 suggests a conflict of interest. The University needs to be active in an educational sense towards those responsible for formulating and implementing policy to preserve and develop academic freedom. Again, transparency matters.

29. Academic freedom is about objective knowledge generation, gathering and dissemination without limitation except, for example, for moral or ethical considerations. We do not impose other than rational judgements. No university can act in isolation, being part of a global, self-regulating community and claiming unhindered participation in its rational activity.

Some issues

32. Brevity has merits, particularly in the sense of avoiding laying down the law. Yet while guidance by example is important, we do not intend that because an issue is not mentioned to say it is not relevant.

33. Open and flexible definitions avoid accidental exclusion of issues and inhibition of discussion. Some freedom of interpretation allows for judgement; a view is to be arrived at by agreement, not by rules.

34. "Responsibility" may appear as a limitation of freedom and therefore a contradiction, but it relies on consensus in the academic community. Freedom is not individual licence without limitation.

35. Academic freedom arises out of a commitment to cooperative pursuit of knowledge, entailing both duties and virtues. Academics do not have a right to more liberty than ordinary citizens but subscribe to open debate and rational discussion.

36. Academic freedom should not be confused with freedom of speech. An academic position offers no special protection, but a society that does not recognize or enjoy freedom of speech is highly unlikely to protect academic freedom.

37. Competition and conflicts can arise between the disinterested pursuit of knowledge and other fundamental ethical, moral and political values. We have no general principle for resolving these conflicts but we do acknowledge them.

38. Being accountable is not just being obedient but being subject to peer review, responding to criticism, and considering points of view objectively. This bears on the relationship of a university with its supporting community: explanation of purpose and activity; promotion and defence of academic freedom.

39. We do not claim freedom from accountability. Academic integrity demands openness and sincerity in the pursuit of knowledge, not for obedience to political or academic authority. There is no final authority on the products of reason.

40. The "Sutherland" report suggests that academic freedom be "redefined". We disagree: academic freedom relies on the autonomy of the academic community. We stress that this autonomy is rational, not absolute. It is not negotiable with a funding agency for political reasons. Intellectual and moral integrity must be preserved. Moral principles guide individuals' and institutions' behaviour. Funding mechanisms may not respect academic freedom. We are alarmed that dangerous, politically-motivated remarks should have been made, fostering confusion. Further debate is essential.

41. Exercise of academic freedom is not a challenge to authority. For the pursuit of scholarly excellence, the promotion and defence of the academic freedom can only be an advantage to university managers.

42. Management decisions may be questioned. There are distinctions between deliberate acts of mismanagement, inexperience and ineptitude. But what constitutes good management practice and how to deal with issues arising from failures fall outside our remit, yet are important for trust.

43. A university must make decisions about what activities best conform to its research and teaching policy. Justification for funding should be defensible as best serving the pursuit of knowledge. Employment decisions should be based on the candidate's academic status among his research peers. Democratic decision procedures within a disciplinary department are appropriate for an institution dedicated to academic freedom.

44. Administrative support staff proper are important to the proper operation of a university, and should observe neutrality and avoid imposing personal values or opinions on academic matters. Further, constructive approaches to enabling the business of the University to be conducted efficiently are desirable.
45. The allocation of departmental resources is a contentious issue and doubts about fairness may be raised. There are no absolute rules, and judgement must be exercised, using appropriate standards, applying them in an unbiased, knowledgeable and sympathetic manner. However, failing to get what one asks for does not, in itself, represent an infringement. This problem is widespread. The worry is of too much power vested in the manager, over whom the managed have no control and no avenue for complaint.
46. Being requested just to trust management is insufficient. Trust is not an obligation on the part of the managed, nor can management expect to be treated as infallible. Confidence must be earned. Equally, actions must be taken in good faith, using complete and accurate information.
47. The University should promote an open discussion culture so that any may speak without fear. Views that are unpopular, challenging, controversial or simply outside or against existing policy should be neither suppressed nor inhibited. Self-censorship, ranging from common sense to diplomacy, and from self-preservation to manipulation by omission may occur. If this arises from fear, it is relevant now.

Areas of Concern

48. A small number reported infringements, reflecting their perceptions and interpretations. We did not investigate these and neither go into detail nor present evidence, although were taken seriously because of their impact and because they indicate how certain actions and behaviour may be construed.
49. External issues included loyalty conflicts, postgraduate study subjects and methods, editorial pressures regarding journal submissions, external reviewing of research proposals, and attempts by outside bodies to micro-manage the internal affairs of the University.
50. Internal contexts of infringement may all be construed as exercise of power in inappropriate ways. It is important that attention has been drawn to situations involving important principles. Some may be deliberate acts, others may reflect inept or insensitive management practices or an inability to handle inter-personal relations rather than intent.
51. The representations made were from a population of about 800 teaching staff and a very large number of undergraduate, graduate and research students. Given this volume of business the number of reports was remarkably short. Even so, it has to be said that none of the perceived problems was as blatant as the event which precipitated the formation of the Task Force and therefore this report.

The statement

52. A concise definition is impossible, and a three-part statement was written with a brief explanation.
53. Some matters of principle are added by way of illustration, education and exhortation.
54. The related responsibilities are not intended to govern the interpretation of the principles, but to provide some guidance and stimulate debate.
55. The moral dimension to considerations of academic pursuits, as well as matters of decorum, courtesy, rules of order and so on that also govern behaviour in various contexts, are beyond our scope.
56. A text of this kind may need revision from time to time. 'Case law', as experience is gained in interpretation and application, may also be helpful in the future.
57. Other areas in which academic freedom issues might arise have also been identified, but not explored. The appointments and promotion system, the good-cause removal process, external review methods, and the use of committees should all observe, and be seen to observe, the highest standards.

58. Little can be done to handle external pressures. All academics need to resist firmly such attempts, while the only recourse is exposure. The expectation of adverse publicity may be sufficient to deter.

59. The University an overarching right and responsibility to academic freedom, relying on the Basic Law for constitutional protection, and that is a sufficient defence against external pressures. All members of the University have the obligation and duty to observe, promote and defend that freedom.

Grievance Procedure

60. A means of adjudication and redress is needed as an independent “judiciary” is perceived to be lacking. The fear is that raising a concern will only make matters worse. There is some frustration over not knowing how to proceed. Existing procedures have not been used because of perceived risks.

61. Academic freedom should be covered by a general grievance system.

62. Confidence in the arrangements to deal with any issues in a fair and disinterested fashion is essential, and this affects the openness, democracy and fairness of the structures and processes of the University.

Mechanism and Structure of a Grievance Procedure

65. The Vice-Chancellor is the ultimate university authority for all academic and administrative matters, although certain responsibilities may be delegated.

66. A transparent mechanism and set of procedures in which staff will have confidence are required.

68. A Grievance Board should be created to deal with academic freedom issues by peer review.

69. A panel of six members, except from the relevant Faculty, would be convened to consider a case.

70. Flexibility in procedure is needed because of the diversity of backgrounds of potential issues.

71. The Panel would have no powers, but would be restricted to making recommendations.

72. The goal would be a mutually agreed resolution, but a final appeal process should be available.

73. A Council Appeals Committee would be the final internal authority.

75. Feedback on the principles involved may useful in avoiding similar problems in the future.

76. The Grievance Board would report to Senate with a view to recommending reforms if necessary.

Conclusion

80. Academic freedom is a matter of the highest importance.

81. This report may provide an educational tool, a spur to self-examination, a check on temptation, and an encouragement to the offended. Adoption of the statement and principles would be a public commitment to academic freedom on the part of this university.

82. A culture of openness, transparency of process, trust and integrity within the University is important, and this depends on the personal commitment of members. Any intimidatory atmosphere must be dispelled at all costs. Trust will need to be earned over time.

83. The creation of a trusted mechanism for handling complaints is of great importance.

84. Academic Freedom must be promoted and defended within the University of Hong Kong