

UNIVERSITY OF DERBY

**ACADEMIC FREEDOM IN ENGLISH  
UNIVERSITIES:**

AN EXPLORATION OF THE VIEWS  
OF VICE-CHANCELLORS

Judith Margaret Ramsay Gill

*A thesis submitted in partial fulfilment of the  
requirements for the award of:*

Doctor of Education of the University of Derby

January 2017

## Abstract

'Academic freedom' in the Twenty-First Century is a contested concept and there exist many interpretations, or versions, of academic freedom, a number of which have been identified through a review of the literature. Some scholars now claim that academic freedom no longer exists in academia, or that it has become a second order value that competes with other priorities more appropriate to the now competitive business of higher education. In this context, the philosophical and legal responsibilities that Vice-Chancellors have in protecting academic freedom can no longer be taken as unproblematic, and their views may not be clear to themselves or to the staff and students in their institutions. This thesis explores the views Vice-Chancellors have on the concept of academic freedom, how they manage academic freedom and the extent to which they believe academic freedom is practised in their university.

The Vice-Chancellors interviewed, of a regional and representative sample of English universities, included those from leading pre-1992 universities and new post-1992 universities as well as one private university. Vice-Chancellors were found to have paid little, or no, attention to academic freedom. They implied that academic freedom was a matter for individual subject departments, but they were resolute that they were the arbiters whenever academic freedom became an issue. Some thought that the concept of academic freedom had been misused by individual academics who raised issues motivated by political and ideological beliefs, and those who conflated it with the civil liberty of free speech. In summarising the Vice-Chancellors' 'version' of academic freedom, a key finding was that they had neglected academic freedom. Consequently, one important proposal was that Vice-Chancellors in English universities should review the nature of academic freedom and consider the implications at governance and managerial levels, at departmental level and in practice. As one Vice-Chancellor admitted: "...*we've never said to, or proven to, the outside world that academic freedom is important*".

## **Acknowledgements**

My heartfelt thanks have to go to my family who have been so supportive. My husband Ian has been nothing less than a star. Alex, my son, and Emma, my daughter, have been positive and loving throughout this journey.

I dedicate my work to my late father, Norman Souter Ramsay, who would have been fascinated by the subject area, and my late mother, Greta.

<b>Table of Contents:</b>	<b>Page:</b>
Abstract	ii
Acknowledgements	iii
Table of Contents	iv
List of Figures	viii
List of Appendices	viii

### **Chapter One: Introduction**

Academic freedom in English universities: an exploration of the views of Vice-Chancellors	1
1.1: Background to the study	2
1.1.i: Five versions of academic freedom	4
1.1.ii: Academic freedom and Vice-Chancellors	8
1.2: The research question	9
1.3: An outline of the methodology	11
1.4: Structure of the thesis	12

### **Chapter Two: Literature review**

2.1: Introduction	14
2.2: What are the competing and contested perspectives of academic freedom?	16
2.2.i: The `puzzle` of academic freedom	16
2.2.ii: The relationship between universities and academic freedom	19
2.2.iii: Universities as businesses	22
2.2.iv: Defining academic freedom	25
2.2.v: Freedom of speech	32

2.3: How is academic freedom managed within a university?	34
2.3.i: Managing academic freedom, university governance	35
2.4: The management and practice of academic freedom	41
2.4.i: The academic as an employee	42
2.4.ii: Departmental perspectives and the individual academic	47
2.5: How is academic freedom practiced within a university?	49
2.6: How do Vice-Chancellors view academic freedom?	51
2.7: Summary	60
2.8: Using the literature review to provide a basis for this study	62
<b>Chapter Three: Methodology</b>	
3.1: Research strategy	63
3.2: Research design	65
3.3: Sampling	68
3.4: Research Methods:	
3.4.i: Scoping and literature research	70
3.4.ii: Website review	71
3.4.iii: Interviewing	73
3.5: Introduction to the analysis	76
3.6: Ethics in research: quality criteria, limitations and potential bias	79
3.7: Summary	84
<b>Chapter Four: Review of the Findings</b>	
4.1: Introduction to the analysis and presentation of the findings	86
4.2: Vice-Chancellors: website search and context	88

4.3: What are the competing and contested perspectives of academic freedom?	91
4.3.i: The relationship between universities and academic freedom:	91
What is a university? Website search and interviewee responses	
4.3.ii: The relationship between universities and academic freedom:	97
What is academic freedom?	
Website search and interviewee responses	
4.4: How is academic freedom managed within a university?	104
4.4.i: Managing academic freedom: university governance	104
4.4.ii: Presenting academic freedom externally	108
4.5: The management and practice of academic freedom	109
4.5.i: The academic as an employee: educating the academic	110
4.4.ii: The academic as an employee: research, rigour and dissemination	111
4.5.iii: The academic as an employee: teaching	115
4.5.iv: The academic as an employee: determining inappropriate practice	116
4.5.v: Departmental perspectives and the individual academic	120
4.6: How do Vice-Chancellors view academic freedom?	122
4.7: Summary	127
 <b>Chapter Five: Discussion, conclusions and recommendations</b>	
5.1: Summary of key points emerging from the research	130
5.1.i: The competing and contested perspectives academic freedom	130
5.2: How is academic freedom managed and practiced within a university?	133
The `Vice-Chancellors' version of academic freedom`	
5.2.i: The competing and contested perspectives of academic freedom	134
5.2.ii: The management of academic freedom in universities	136
5.2.iii: The practice of academic freedom in universities	140

5.2.iv: Summary of the `Vice-Chancellors' version of academic freedom`	142
5.3: Conclusions and recommendations on the management of academic freedom in universities	143
5.3.i: Academic freedom has been neglected by Vice-Chancellors	143
5.3.ii: An alternative approach to managing academic freedom	144
5.3.iii: Recommendations for the management and practice of academic freedom	145
5.3.iv: A final comment	146
References	147

**List of Figures:**

**Page:**

**Chapter One; Introduction**

**Figure 1.**

Framework for the study of the views of Vice-Chancellors on academic freedom 11

**List of Appendices:**

**Appendix:**

**Appendix Title:**

**ONE**

Sample Overview

**TWO**

Information gathering framework:

(a) University websites

(b) Interviews

**THREE**

Interview Semi- structured checklist

**FOUR**

Thematic Analyses - What is academic freedom?

**FIVE**

Extract of conversational interview with a senior academic manager

**SIX**

Interview thematic analysis (Management and Practice of AF)  
Template

## **Chapter One: Introduction**

### **Academic freedom in English universities: an exploration of the views of Vice-Chancellors**

The word 'freedom' is increasingly being used as an emotive term within society in the early Twenty-First Century. At a time of global upheaval, rising terrorism and increased autocratic behaviours by some governments and their leaders, freedoms appear to be more vulnerable than ever before (Hudson and Williams 2016). Freedom to govern, freedom to privacy, religious freedom, freedom to travel, freedom to participate in an open society, freedom of speech, and freedom of information, are recognisable expressions and aspects that form part of day to day conversations of individuals in contemporary society. Academic freedom is another of these 'freedoms' that is considered by some to be under threat.

Academic freedom, the freedom of academics to engage in the study and dissemination of knowledge and research, is specific to universities and is regarded by many academics as an important principle of 'being a university', underpinning the values of the academy. However, what a university is and what it does is changing, and for some commentators, there is confusion about its purpose and value (Collini 2012; see also Hayes 2009; Altbach 2011; Grib and Gerwitz 2013; Palyfreyman and Tapper 2014; Williams 2016). More recently, high profile cases within the popular media have brought specific attention to various aspects of freedom that universities strive to preserve. Senior management of universities, including Vice-Chancellors, have been questioned on these freedoms and examples include: The University of Nottingham 2008 and 2011, Universities UK 2011, The University of Warwick 2014, University College London 2015, and the University of Oxford 2016). Some of these cases have led to academic freedom being viewed as a highly-politicised concept and practice, attracting negative associations (for example, coverage on the case of The University of Warwick and Professor Thomas Docherty, 2014). Furedi (2016) considers that academic freedom is of limited importance to the academy; it has become a 'second order value'. Consequently, the question 'what is happening to academic freedom in English universities today?' is both topical and relevant.

The concept of academic freedom as a contested subject is the basis for this work. The study is not one that seeks to explore the philosophical aspects of academic freedom. The aim of the research is to investigate how academic freedom is perceived

within universities by the Vice-Chancellors, as heads of universities, and how they understand, lead and manage the practice of academic freedom. This may offer new and valuable insights into how academic freedom is enacted and developed within universities, as well as locate the level of responsibility of Vice-Chancellors for academic freedom, which is currently not clear. This chapter provides the background to the study, the research question, and the subsidiary questions used to assist in answering the research question with accompanying rationale.

### **1.1: Background to the study**

The concept of freedom itself has exercised the minds of philosophers and society, and is recorded as going back to the ancient Greek philosophers. An often-quoted English philosopher and liberal thinker is John Stuart Mill (1803 – 1873). In his work *On Liberty*, he upheld the notion of freedom of thought and opinion within a modern society. Many authors have used his work as a foundation for support for freedom of speech, and academics have also used this as a basis for understanding academic freedom. He believed in freedom of discussion based on concern for the truth. He also acknowledged that in this exhibition of freedom, there were aspects of risk and limitations so that freedom should not cause harm. The extent of the risk and the form of the limitations provide a canvas for diverse interpretations and disagreement, and this can also be seen in the case of academic freedom. It is not transparent, nor does it have a shared definition and, consequently, is regarded by many as a ‘contested subject’ (Collier *et al.* 2006).

Academic freedom is regarded by many as being the foundation of a university and the academy overall. Academics for Academic Freedom (AFAF) in 2006 considered that academic freedom ‘defines the university’. Barrow (2009) considers it “...is at the heart of what a university is and what it embodies”. Lynch and Ivancheva (2015:6) suggest that “Wherever academic scholarship is being pursued, the issue of academic freedom arises”. Yet, for some, academic freedom is under threat (see for example, Palyfreyman 2007). Hayes (cited in Corbyn, *THE* 11.2.10), summarises these fears in a sentence, “Lose academic freedom and you have not just lost a freedom, you have lost the university”.

In 2010, Universities UK (UUK) undertook an investigation aiming to protect academic freedom because higher education was facing political challenges and requests to combat racial and religious tension and extremism. In the resulting publication (2011) UUK strongly emphasised the role of freedom of information and freedom of speech. In doing this, they validated some of the broader activities often associated with academic freedom and, in doing so, exacerbated a level of uncertainty regarding the exact nature of academic freedom, as it did not specifically outline the characteristics of academic freedom itself.

Academic freedom is situated with English law in the Hillhead Amendment (1988) and the Higher Education Act (s32 (2) 2004). However, researchers, authors and academics who have studied the concept and articulate what it does and does not constitute, have divergent views that are often at variance with one another. Menand (1996: 6) considered that as a concept it "...is *inherently* problematic"; Arthur (2006, cited in Hayes, 2009) stated that it is "...differently understood"; Barendt (2010) referred to academic freedom as a "puzzle", and Akerlind and Kayrooz in their study on academic freedom in Australia suggested that the current debate is "...marked by a lack of clarity and consistency" (2003:327). Hutcheson (2011:3) considered that he "ruefully" had to acknowledge the work of Novick (1988 cited in Hutcheson 2011), who cautioned that the study of academic freedom was like "...nailing jelly to the wall".

To provide an overview of some of the perspectives on the competing nature of academic freedom, five authors are highlighted below, each having their own 'version' of what academic freedom means to them. These versions and authors signify the complexity that Vice-Chancellors of universities face when deliberating on matters of academic freedom within their universities and, offer a point of reference to this specific study on academic freedom. The phrase 'version' has been borrowed from Fish (2014), the American academic who has his own set of versions taken from a different perspective on academic freedom to that under review for this work and which he collated under the term 'schools'. Fish reviews the competing principles of philosophy and execution of academic freedom and fits authors within these, many of whom are based in the United States. In this study, the versions are representations of the individual authors' views and symbolise some of the competing narratives of working academics and supporters of academic freedom. Each of the five versions used for this work has been provided with a 'label' to summarise their perspective.

This categorisation has been based on their personal approach and how they demonstrate their understanding of academic freedom outlined in their work on the subject area and how they support the principle.

### **1.1.i: Five versions of academic freedom**

**Version One: Stanley Fish, the professional approach.** Fish is an American academic and in 2014 published *Versions of Academic Freedom: From Professionalism to Revolution*, adopting an Anglo/American perspective. His argument is a pragmatic one. He bases his view on the philosophical perspective of a social interpretivist and contextualises it within an economic, political and legal environment. He sees himself as a 'professional academic'. He argued that five 'schools' summarised the academic freedom debate, and within these are the foundations that are used by most authors in their debates on what academic freedom is. His personal preference was for that of 'It's just a job' school, seeing the job role of a university academic as a service providing knowledge and skills to students, and that there are parameters within which this job role is undertaken. He considered that an academic role in education is not a holy calling or even a vocation. Academic freedom was no more than an academic doing a job as a professional who is there to advance knowledge.

This minimalist approach was poorly received by many in academic communities including those in the UK, who considered Fish was denigrating and minimising academic freedom, the role of the academic, and the university.

**Version Two: Eric Barendt, the legal approach.** Barendt is an English academic who specialises in law and provides a legal perspective of academic freedom. His works initially concentrated on freedom of speech but in 2010 he published his work academic freedom. His interest is in the restrictions that apply to academic freedom, including terrorism and how these may vary in law and in practice within the UK, the United States and Germany. He considers the 'puzzle' of academic freedom and the apparent entitlement claimed on behalf of universities and academics to research and speak publicly with no impediment. He also discusses the vulnerability of freedom given the political, social and business orientated tensions faced by universities today. He insists that academic freedom and freedom of speech are two distinct perspectives. Institutional autonomy, the rights of academics to self-rule, and their participation in

academic governance; the necessity for the continuation of intellectual and philosophical debates, are all covered from a legal perspective. He recognises the importance of academic freedom while pointing out that exaggerated claims have been made regarding its scope and function.

**Version Three: Terence Karran, the academic approach.** Karran is an English academic specialising in researching academic freedom from a constitutional and legal perspective, particularly across the member states of the European Union. In his early work in 2007 and 2009, he found that academic freedom, particularly in the UK, was poorly protected by the law. He views academic freedom, the role of the academic and that of the university as a cohesive entity. His work concentrates on the freedom to research, the freedom to teach, the security of employment, the right of academics to self-rule and participate in how universities are run through academic governance and finally, tenure. These are generally considered to be common to the principle of academic freedom and are covered by most authors and critics on the subject, although tenure is an aspect of a condition of employment that has largely disappeared in the UK. However, his approach can be summarised differently to those noted above, in that he seeks to define the accompanying duties, limitations and potential safeguards. He sees academic freedom as being important to universities and society and regards the principle to be a 'barometer' of human rights, including freedom of speech. He seeks a level of conformity and transparency set by a recognised body that has a cross-national level of influence; it can be said that he adopts a 'regulatory' approach.

**Version Four: Dennis Hayes, the liberal approach.** Hayes is an English academic who is a founder of AFAF (Academics for Academic Freedom, 2006) and educationalists who considers that academics, both inside and outside the classroom, should have unrestricted freedom to question and test knowledge and expound controversial and unpopular opinions, even if these are deemed offensive. He considers that academic institutions have no right to curb the exercise of this freedom or to use it as grounds for disciplinary action or dismissal. Academic freedom, freedom of speech and freedom of enquiry are all considered to be on an equal footing in terms of their authority. Academics are regarded as informed and rational professionals and critical thinkers; debate should not be restricted to their disciplinary subject. In the

continuing development of his 2009 book, *The Dangerous Rise of Therapeutic Education*, in 2015 (cited in Tickle 2015 in *THE*) he calls for students to be exposed to, as well as engage with and debate, ideas and issues they find difficult and contrary to their current value sets.

**Version Five: Joanne Williams, the epistemological approach.** Williams is an English journalist and has recently published her book on academic freedom (2016). She had previously been a full time academic but considered that universities had lost their integrity and focus. She locates her argument on academic freedom within the arena of the liberal pursuit of knowledge and the practice of intellectual criticism. Williams argues that the biggest threat to academic freedom today is neither students nor government policy but the reluctance of academics to defend universities as places of intellectual dissent where diverse views should be heard and debated. Williams' frame of reference is based on the collapse of the pursuit of knowledge, and she considers that a conformist academic culture, growing in the UK, is characterised by the dominance of views and the suppression of opposing ideas. She criticises academic recruitment, peer review and the dominance of the need to publish and gain funding. She regards these as all being within a narrow set of parameters which creates a potential climate that is intellectually hostile to the emergence of opposing values and ideas.

**Sharing and dissent.** The five versions have been identified under specific names and these will be used throughout this work to review some of the basics of understanding of academic freedom; they provide a point of reference. The versions are not to be regarded as definitive studies or definitive authors. The version that each author seeks to choose as their base for understanding academic freedom, and what it embodies, are bound within their personal areas of knowledge and interest. Other approaches to academic freedom could have been detailed and examples include academic freedom of students or feminist perspectives on academic freedom. Further, the number of authors writing on academic freedom globally means that any one study cannot do justice to all views on academic freedom, despite many writers and bloggers making relevant points of practice and principle. The versions chosen were those of authors who would be recognised for their work on academic freedom and who would

be known within the UK by most members of the academy interested in academic freedom.

The five authors of the five versions share many elements of agreement relating to academic freedom; it is the specific detail where there is variance. Both Hayes and Williams are liberals; however, how they choose to support academic freedom and how they see it situated in universities is different in method and dialogue. Hayes and Williams take a different stance to that of Barendt and Karran, who both share an emphasis on the legal perspectives of academic freedom, and comment on their understanding of academic freedom in other countries. Yet, Barendt and Karran support and develop their arguments in different ways. Fish believes himself to be a professional in his university role as an academic rather than as, for example 'the revolutionary' in his support for academic freedom. However, few authors on academic freedom would align themselves to that position chosen by Fish. His perspective, scathingly summarised as "...developed in the contemporary corporate university with its overcompensated administrators and bloated bureaucracies performing functions that once belonged to faculty" (Macek 2015), is at odds with how Williams would develop her approach to academic freedom and the role of the academy and learning overall. Despite this, all the authors would see themselves as academics and acting in an appropriate manner commensurate with the academic role. Further, the legal and professional approaches may be more moderate in stance on academic freedom, whilst the liberal and epistemological stance, taken by Williams, may be regarded as more aligned to radical perspectives. However, this is not necessarily the case: versions of academic freedom and individual academics can straddle both the domains of the more conservative approach and the radical, depending upon which specific aspect of academic freedom is being considered.

This leads to confusion and unease in relation to the concept, what it is understood to be and how it can be addressed pragmatically within a university setting. Also, worthy of note is that the five authors do not actively discuss in any detail the role of Vice-Chancellors and academic freedom.

### **1.1.ii: Academic freedom and Vice-Chancellors**

O'Conner *et al.* (2014:5) suggested that with the changes in universities since the 1980s there was seen to be "a concentration of power at the top" and that little had been written about the experiences of senior positional leaders. They note that the actions of university leaders may affect staff and students and that these leaders can shape the internal culture of the institution. The authors also recognised the work of Deem (2006) who considered that this higher level of leadership, including university Vice-Chancellors, is usually accessed by 'manager academics' who have experience and knowledge of disciplinary expertise and academic autonomy from an individual and professional academic perspective. Consequently, these manager academics can bring to bear an understanding to the institutional challenges. Vice-Chancellors can act as a buffer between a university as a business and the academic prerogative expected of a university establishment.

Whether Vice-Chancellors are truly academics is a matter of debate: The Jarratt Report of 1985 on universities had drawn upon business benchmarking and suggested that Vice-Chancellors should be chief executives rather than 'just academic leaders', and Deem (2004) suggested that the neo-liberal and accompanying ideology of 'New Managerialism' was being implanted in universities through this development. This has since further evolved and Vice-Chancellors have become the directors of limited companies, requiring a legal commitment to ensure that the business of a university is appropriately managed and led as a business. Yet currently, neither the literature nor commentators on academic freedom appear to have considered how far academic freedom should be the explicit concern of these senior academics, the Vice-Chancellors. These senior figure heads lead establishments that are multi-million pound businesses and are 'the second-oldest institution in the western world with an unbroken history, after the Roman Catholic Church' (Lyanga, 2007:7 cited by Burnes *et al.*, 2013:3). The views of this senior level of academics on academic freedom are largely unknown. Any inferences as to their views and their level of influence over academic freedom are drawn from individual cases of perceived breaches of academic freedom that come to light through the media (for example; Dr Rod Thornton in 2011, Professor Thomas Docherty in 2014). These instances do not necessarily reflect a broader perspective of the management and practice within universities nor, the level

of commitment and support the Vice-Chancellors may or may not give to the concept itself, as a fundamental aspect of 'being a university'.

Vice-Chancellors however, are becoming more vocal in their approach to supporting the academy and what it stands for. Snowden (2013), the previous president of Universities UK, wanted to ensure that universities were more appropriately understood in society and that it was the leaders of the universities who should ensure that this happens. Recently (January 2016), Louise Richardson, the latest Vice-Chancellor of the University of Oxford, has taken a very public position on the protection of freedom of speech in universities and that it should be encouraged rather than subsumed under a growing plethora of calls for 'safe spaces' and ensuring students are not offended. The Vice-Chancellor is regarded as speaking for the university; she has taken ownership of the issue on behalf of the university and, in doing so, contributed to the understanding of what a university is and what a university does. However, there remains a gap in our knowledge and in the literature on the views of Vice-Chancellors on academic freedom, rendering our current view of the interpretation of the principle incomplete and inadequate. This study seeks to close this gap in understanding academic freedom in universities today.

## **1.2: The research question**

This can be summarised as:

How is academic freedom understood and managed by Vice-Chancellors of English universities in the early Twenty-First Century?

That there is little information on the views of Vice-Chancellors on academic freedom is an area worthy of further investigation. The contested nature of the principle suggests that any attempt to have a shared definition of academic freedom may verge on the unfeasible. How Vice-Chancellors understand and manage a fundamental aspect of a university that is undefinable is currently not acknowledged.

To provide a framework for this study of academic freedom, a set of subsidiary questions was developed, from the literature, to review the contested nature of academic freedom and to respond to the research question.

## **What are the competing and contested perspectives of academic freedom?**

The context of this research study is the contested concept of academic freedom, this provides a basis to consider how university Vice-Chancellors understand the concept, and how they define academic freedom for themselves; this will assist in explaining their actions in relation to the concept.

## **How is academic freedom managed within a university?**

The management, or the handling and control, of academic freedom is explored in relation to the Vice-Chancellors. The governance structures of a university and who is responsible for specific aspects, the employment relationship and the role of the academic as an employee and the role of academic department, will be considered.

## **How is academic freedom practiced within a university?**

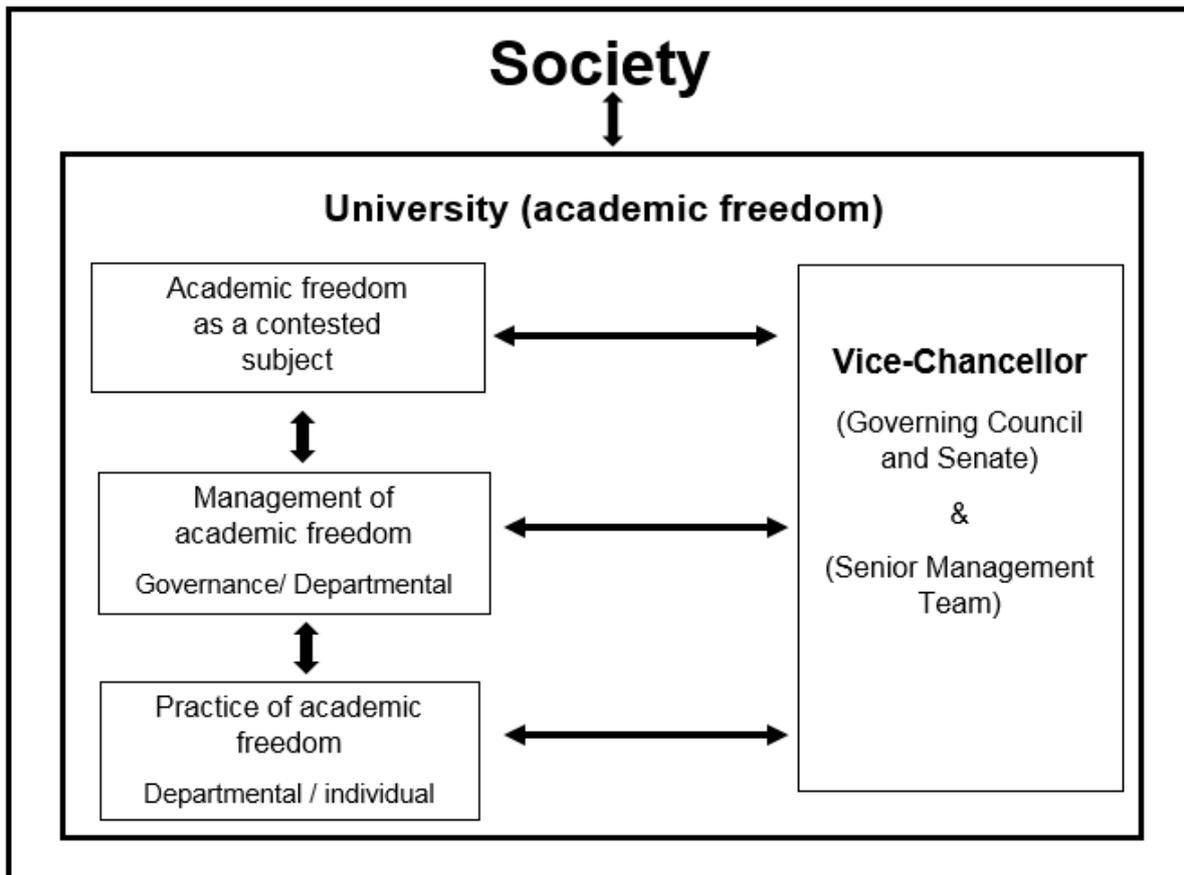
This area of study will review the activities and behaviours, mainly of individual academics, associated with the exercise of academic freedom in universities. These include the role of the academic and the boundaries that are created that affect the practice and activity of academic freedom.

## **How do Vice-Chancellors view academic freedom in a university?**

University Vice-Chancellors are the figure-heads and senior academic leaders of their universities. Exploring academic freedom at this specific level will offer a new perspective on understanding the contested concept of academic freedom in universities in the middle of the second decade of the Twenty-first Century.

The framework for the study is indicated below and can be explained as follows: the university is created and supported by society to societal benefit; academic freedom is an essential aspect of a university; there exist various versions, descriptions and interpretations of academic freedom which is a contested concept. The Vice-Chancellor is the senior academic of the university and the chief executive of a university that is also a business; how a Vice-Chancellor understands and manages a contested concept and what they allow to be practised in the name of academic

freedom provides a basis of an explanation for what is happening to academic freedom in English universities in the middle of the Twenty-First Century's second decade. This knowledge also offers the grounds for proposals for future consideration of academic freedom.



**Figure 1.** *Framework for the study of the views of Vice-Chancellors on academic freedom.*

### 1.3: An outline of the methodology

Aspects of academic freedom were reviewed through the study of relevant literature and this has influenced the design of the research (Bryman and Bell 2003). Primary data collection was based, in the main, on the one-to-one conversational semi-structured interview. There is a growing body of research into academic freedom that explores the perception of individuals, usually academics, working at departmental level within universities. Data collection methods including surveys and, increasingly, interviews have been used. The interviewees for this study were Vice-Chancellors,

although a Pro-Vice-Chancellor was also included. A pilot interview was undertaken and additionally, a further interview was conducted with a researcher in the subject area of academic freedom. A review of university specific university websites was also undertaken.

Several meetings and presentations were attended with an aim of gaining a deeper level of understanding of academic freedom. Very little of this additional material is noted within this thesis; however, it assisted in the personal knowledge creation of the researcher. Additionally, a review of materials easily and publicly available on the websites of the sample universities was undertaken to assist in providing context and information to the researcher and for this work.

For this exploration, a sample from a range of 144 UK higher educational institutions (UCAS 2014) was created based on English universities only. It was decided that as many types of university should be part of the sample to explore the variety of universities, their approaches and their understanding of academic freedom. The purposive and cross-sectional sample chosen covered traditional and new universities, and there was representation from private universities, a slow but growing sector within higher education in the UK.

As with the data collection tools, fitness for purpose is central to determining the methods of analysis used. An interpretivist approach, in the main, was adopted.

#### **1.4: Structure of the thesis**

There are five chapters in total. Chapter One provides the background to the research which the research question and the framework adopted for the study.

Chapter Two covers the literature review. It provides the context and the aspects of the debate on the contested nature of academic freedom, as well as information on the management and practice of academic freedom in universities as regarded as relevant for this thesis. The role of Vice-Chancellors is examined.

Chapter Three covers the methodological approach adopted for this study, the rationale for this and how this sits within the discipline of research into academic freedom. The detail and justification of the sample and the research methods are

explored. The forms of analysis are introduced, with more information on this provided in the following chapter.

Chapter Four explores the findings from the website search and the conversational interviews. The information is presented using the framework of subsidiary questions established earlier in this Chapter (1.2 above). Data is compared with literature, discussed in Chapter Two, and reviewed using a range of themes; the matter of different individual preferences of the researcher and the Vice-Chancellors is also acknowledged

Chapter Five covers the conclusion to the study, providing an interpretation of the findings and focused on answering the research question. A 'Vice-Chancellor version of academic freedom' is created based on information drawn from the study. Finally, recommendations are presented and offer a foundation for further development, by universities and Vice-Chancellors, to shape an active role for academic freedom in universities in the Twenty-First Century.

## **Chapter Two: Literature review**

This chapter will cover aspects of the debate on the contested nature of academic freedom, and how academic freedom is managed and practiced in English universities, under the guardianship of Vice-Chancellors.

### **2.1: Introduction**

There is no one discipline from which the literature was gathered, and there is no one model or theory utilised. The study aims to review competing and contested perspectives of academic freedom and to consider how these may impact upon a Vice-Chancellor managing academic freedom within a university. Several versions of academic freedom were outlined in Chapter One and headings assigned; the professional approach (Fish 2014), the legal approach (Barendt 2010), the academic approach (Karran 2009), the liberal approach (Hayes 2009) and the epistemological approach (Williams 2016). These are used as points of reference throughout the thesis. They are drawn upon to assist in illustrating aspects of academic freedom and how these may compare with other literature, information and data being used within this thesis.

The subject of academic freedom is large and varied and it is difficult for one investigation to contain all viewpoints; choices had to be made in relation to the study. For the purposes of the thesis, academic freedom is situated within the English university context. Comparisons with other countries on academic freedom do not feature within this work, although several comparative studies are recognised. Examples include the work of Karran (2009) and his European survey, Aarrevaara (2010) and the Changing Academic Profession (CAP) survey; also, a range of authors and studies from the United States, Australia and New Zealand are used. Within the wider UK, universities work within different legal parameters to those of England. For example, in Scotland the 1858 Universities of Scotland Act led to a separation of financial and academic matters (Miller 2014). More recently, there has been activity in reviewing the legal definition of academic freedom in Section 26 of the Further and Higher Education (Scotland) Act 2005). A Bill was introduced to the Scottish Parliament in June 2015; but, the proposals relating to academic freedom being aligned to the condition of the financial grant were not taken forward. Additionally, all four UK regions have separate funding bodies (Deem 2004) and the history of the

relationship between the government and English universities is very specific. The impact of a particular context is important in considering the relationship between universities and academics and their changing role (Seifert, 2015).

In the United States, the American Constitution and the First Amendment creates a situation not specifically reflected in England. In Germany, the complexities of the *Wissenschaftsfreiheit* (scientific freedom) make direct comparison unsuitable in this instance, particularly given the methodology adopted for the study. Many authors on academic freedom do compare UK approaches with those of other countries but there is previous research and reviews into academic freedom and higher education in the UK and on an English only basis, several of these works have been used within this study (for example, Trow 1994; Russell 2002; Hayes 2009; Burnes *et al.* 2013; Williams 2016).

The study does not seek to explore the academic freedom of students, although it is acknowledged that there is relationship between academic staff and students. Other aspects of academic freedom not covered include those of emerging from the radical and feminist perspectives. Rather, the work aims to view academic freedom from a chosen and acknowledged range of views on academic freedom and to consider how the contested concept is recognised and addressed in a sample of universities in England in the early Twenty-First Century.

This chapter is structured in five sections. The first considers the concept of academic freedom and is broad in its range, covering why academic freedom might be problematic, how it is situated within the university context and how it is positioned within the evolving business focus adopted by universities. The second section covers aspects that address the management of academic freedom, particularly at strategic level; the third section reviews the management of individual academics and the role of the academic department; the fourth section provides a view of the practice of academic freedom in universities; the final section covers Vice-Chancellors and their relationship with academic freedom. The principle of academic freedom is complex and it should be recognised that it is not straightforward to separate all elements, and each of the constituent parts are highly integrated. This was outlined in the framework for study, see section 1.2. At the end of the chapter there will be a summary of the literature review and how this informs the research activity.

## 2.2: What are the competing and contested perspectives of academic freedom?

This section prepares the foundation of an understanding of academic freedom; the detail of specific aspects will be outlined further within the chapter.

### 2.2.i: The 'puzzle' of academic freedom

Palyfreman (2007:19), confirmed that academic freedom is "...a difficult concept to define in theory, and one sometimes abused in practice". Barendt (2010: 2), the lawyer, commented that whilst the notion of academic freedom is often "taken for granted" and is a fundamental aspect of university life, it is not often discussed, nor understood, and he referred to it as "...the puzzle of academic freedom". Menand (1996: 6) considered that the concept of academic freedom "...is *inherently* problematic... it requires a willing suspension of disbelief in order to properly and efficiently do its work"; Arthur (2006, cited in Hayes 2009) called academic freedom a "contested concept" and it is "differently understood". Fish, in constructing his argument as a 'professional' indicated "I am aware that the argument I am making here is... a monster" (Fish 2014: 127). Russell (2002), considered that the reason academic freedom is misunderstood is because the concept and language is based on the medieval world and constructs have since changed. The perspectives on academic freedom are wide ranging and include ethical, constitutional, historical, philosophical, political and religious positions, and increasingly have been seen within an economic and commercial perspective. Akerlind and Kayrooz in their study into academic freedom in Australia suggest "...academic freedom has been marked by a lack of clarity and consistency" (Akerlind and Kayrooz 2003:327).

Karran, the academic, in his talk at York (2013), commented how the term academic freedom is often mentioned in supra-national agreements and the constitutions of nation states, and uses the Council of Europe (2006) *Recommendation on Academic Freedom and University Autonomy* as an example, "Higher education institutions should enjoy full academic autonomy and freedom". He also goes on to state that:

... academics have been unable (or unwilling!) to define a concept which is supposedly of singular importance to their teaching and research, but they may have a vested interest in resisting definitional clarity. (Karran: 2013)

Hutcheson sees academic freedom as the history of ideas and the basis for ideas construction. He goes on to state that he “ruefully” must acknowledge the work of Novick (1988 cited in Hutcheson 2011), who cautions that the study of this is like “nailing jelly to the wall”. It is further suggested that university academics and staff, who are central to the enactment of this notion of academic freedom within their own workplaces, may not be all that concerned by its possible violation. Hayes, as a liberal (cited in Corbyn *THE* 11.2.10), suggests that academic staff may be potentially ignorant of the concept and their role in the implementation and development of academic freedom in universities and society in general; he quotes Hutchinson: “...The real threat to academic freedom today is the failure (of the academy) to see it as something that needs defending” (Hutcheson, 2011:3).

Horwitz (cited by Karran 2013) suggests that “...academic freedom is not a stable or uniform concept. It is a constantly shifting and deeply contested idea, grounded on very different views”. Williams (2016), in reviewing academic freedom in her search for knowledge, believes there is a good deal of “rhetoric of commitment to academic freedom” but despite this it remains:

...ill-defined, poorly understood and readily jettisoned by national governments universities and scholars alike (Williams 2016:20).

Turner (1988 cited in Karran 2009) states that academics have the right to academic freedom and have “no right to silence”. In his presentation on the problems relating to defining academic freedom, Karran (2013) considers, “...academic freedom is most often defined by a violation or an abridgment of a right... defined by its denial”. Similarly, Akerlind and Kayrooz also indicate that academic freedom is frequently presented as a negative right specific to academics, “...the right to non-interference in their activities” (2003:328).

The roots of this contested debate are articulated by Menand (1996), who discusses the notion of freedom itself and looks at the philosophical perspective underlying the concept of academic freedom. He reviews the work of Isaiah Berlin: *Two Concepts of Liberty* (1969) to distinguish between ‘negative’ freedom, freedom from interference in one’s pursuits, and ‘positive’ freedom, defined as freedom to act for a predefined end, and considers that academic freedom is “a two-faced concept” (Berlin 1969). Barendt (2010) provides an example of this in that positive freedom may be in place through the university statutes and the collective management of academic freedom, whereas

negative freedoms are provided through the liberties to research and teach as the individual chooses. Both work together effectively. However, tensions remain, as both positive and negative freedoms can be corrupted if the balance of the two freedoms is not maintained.

Shiell (2006:18, cited in Miller *et al.* 015) states that academic freedom has been characterised as being “incoherent...an illusion, a myth”. In education circles, the work of Kant (1724 - 1802), who believed that the search for truth was integral to the exercise of scholarship and the basis for learning, has been a basis for deliberation and furthered by critical theorists including Marcuse (1964) and Bourdieu (1979) (cited in Williams 2016). John Stuart Mill (1803 - 1873), is also recognised by educationalists. He believed in the concept of freedom within society and freedom of discussion and the search for truth. He wanted to celebrate the individual and had a disdain for conformity. In *On Liberty*, he argues that the only time coercion is acceptable is when a person's behaviour harms other people, and society should treat diversity with respect. Mill's essay has been criticised by many (for example, Cartwright 2003) for being vague about the limits of liberty, placing too much of an emphasis on the individual and for not making a useful distinction between actions that only harm oneself and actions that harm others. This adds to the debate on academic freedom, adding credence to the notion that academic freedom cannot mean ‘entirely free’.

This argument of limitations is also at the centre of Berlin's considerations and can be regarded as one of contextual situation. This is summarised by Theissen on academic freedom:

Freedom, whether individual, social, political, is necessarily limited. Freedom is always freedom in context. Freedom is only possible in the context of what restricts freedom. Hence notions of “full freedom” in research and teaching are by their very nature problematic (Theissen, 2001, p. 85).

Miller (2014: 7) states that universities and their staff all require ‘codes of behaviour’ and these restrict the activities of individuals. It is also recognised that English universities are constrained by various governmental agencies that influence their funding, including the Higher Education Funding Council for England, The Research Excellence Framework, and The Department for Business Innovation and Skills and the imminent Teaching Excellence Framework. Further, research, content of teaching, and the controlled curricula on professional degrees, is constrained by various bodies

that oversee and determine the standards to be achieved for accreditation. Academic freedom is also supported by legislation and legally derived case study incidents. These limitations apply equally to all universities. It is almost an impossible task to state that there is any form of full freedom within a university.

To summarise, academic freedom is a 'puzzle'; it is not transparent as a concept, it is not clear in meaning and this creates confusion due to differing interpretations, created through the limitations imposed upon it by society and interested parties, including the government. Parameters are set by society and developed, supported and maintained by governments. Williams (2016), the epistemologist, considers that many of these restrictions are created by the universities themselves, and in doing this they are creating harm through an increasing desire for conformity, contrary to the deliberations of Mill and the pursuit of knowledge and truth. The extent to which these limitations are accepted by different bodies, academics, authors and commentators varies and is at the heart of the contested nature of academic freedom. Whether it is possible for all to share one view of academic freedom and any specific set of limitations is doubtful.

## **2.2.ii: The relationship between universities and academic freedom**

The historical development of academic freedom is aligned to that of universities. Many authors writing on academic freedom review its historical context, seeing this as an important aspect for understanding the rise of the contested nature of the concept. Lynch and Ivancheva (2015), for example, write that that academic freedom and autonomy originated with the University of Bologna, founded in 1088. Academic freedom has a place in the development of the reformation (Adrian 2003) and through into the Age of Enlightenment (Ruegg 2002). Collini (2012) indicates that the modern university came into being in the nineteenth century and with this, the role of academic freedom was further substantiated. In 1810, Wilhelm von Humboldt wrote a memorandum that led to the creation of the University of Berlin. Universities were no longer to be considered merely as "nurseries for future clerical or administrative functionaries, but as centres of "the higher learning" (Collini, 2012:23). Humboldt considered that a university should be based on three principles: unity of research and teaching, freedom of teaching, and academic self-governance. The principle of freedom to teach allowed the teacher to teach any subject that they were interested in and there was no prescribed syllabus. Alongside this was *the* 'freedom to learn'. The

teacher could speak openly and research and instruct was within an 'atmosphere of consent'. There was a union between teaching and research and a community of scholars and students was the aim of the approach (Anderson 2009). Humboldt also argued that universities did their best work when isolated from external pressures and were autonomous. This level of apparent freedom has had an influence on modern current interpretations of academic freedom (Adrian 2003; Fuller 2009; Karran 2009; Collini 2012). Anderson (2009), relates this to classical liberalism.

In the 1850s, John Henry Newman was influential in the search for understanding what a university should be for. Newman believed that knowledge should be pursued in its own right and this did not necessarily include research. He considered that universities should foster a love of learning; knowledge was important, not only as far as it could be applied, but also for the sake of knowledge itself. This view was also considered to be relevant to the debate and development of academic freedom, particularly in UK universities, its emphasis being on the search for truth and knowledge, and potentially autonomy from the state and its instruments.

Universities continued to grow and develop, especially in the larger and industrialised cities in the late Nineteenth and early Twentieth Centuries. Anderson (2009) discusses the change in emphasis in the growth of universities following the Robbins Report (1963) whereby university places should be available to all who were qualified by ability and attainment. Deem (2004) indicates that prior to this academic knowledge work was largely unregulated other than by individual universities themselves, and decision making was based on a collegial academic committee and groups. With the planned increase in numbers of students and the need for more universities, this situation was to change.

In 1965, the 'binary principle' was confirmed, two types of higher education would co-exist: the traditional universities and the more vocationally orientated, community responsive polytechnics, having emerged from technical and similar colleges from the 1950s onwards. With the change in emphasis on higher education, there were changes to how universities were to be managed. Alongside this, there were changes in the understanding of academic freedom within these emerging and newer forms of universities and higher educational establishments.

Universities continued to be created during the last decade of the Twentieth Century and through into the Twenty-First Century. In April 2014, the *Good Universities Guide* for 2015 indicated there were 144 UK universities. Kok *et al.* (2010), describe how two groups of university exist within the UK, the 'traditional' pre-1992, and the 'new', post-1992, universities. Also, there was a slow growth in the number of private universities. Academic freedom, seen from either of the perspectives of the Humboldtian or the Newman traditions, could be considered as being compromised. Even prior to the establishment of the new universities, Barnett (1988:93) had commented that academics were less able to shape and determine their own activities and O'Hear (1988), at the same time, suggested that external pressures on higher education were "corrupting both the spirit of the university and academic freedom" (1988:16). Both writers considered that there had been a loss in professional autonomy.

Throughout the very extensive period of growth of universities, discussion on the role of universities and the relationship between them and academic freedom has been constant, but not necessarily an issue of primacy for all members of the academy. In reviewing the role of a university, Andreescu (2009) indicated that the role and chief goal of a university is the need for academics to have complete freedom to contradict our beliefs, aim for a better truth and to be a "market place for ideas". He used the work of Shils (1997) to consider that "universities are factories for the generation and examination of ideas, the best approximation we have of intellectual testing stations" (Andreescu 2009: 501). Snowden in his 2013 speech in his role as President of Universities UK, considered that whilst UK universities were 'diverse in size, character and mission', they were:

...extraordinary places, providing centres for thought, reflection, learning, growth and invention. They allow space to take risks and to challenge the boundaries of conventional thinking... The fundamental purpose of universities is to provide a stimulating environment where staff and students can study, think and carry out research, and this way enrich society and benefit the state and economy.

Gillies (2011: 6), considered that universities were to be viewed as neutral spaces and were created to exhibit "academic neutrality", based on "...professing the truth without fear or favour".

These authors do not discuss the differences between the traditional and new universities. In England, all universities are regarded as being part of the same model. As Anderson (2009) argued, no government would dare to identify a higher tier of institutions, and regards them as undifferentiated. Therefore, academic freedom can exist and can take place, in both the old and new universities.

Can academic freedom be exercised outside the boundaries of a university? This debate is an extensive one. Strike contends:

It is a right extended to a particular group of people for a particular purpose. It is a right of university faculty because it promotes the growth of knowledge (Strike, 1982:101).

The 2006 Academics for Academic Freedom (AFAF) statement declares that academic freedom "...defines the university". Barrow (2009) considers it "...is at the heart of what a university is and what it embodies". Hayes, the liberal (cited in Corbyn THE 11.2.10) agrees: "Lose academic freedom and you have not just lost a freedom, you have lost the university".

Barendt, the lawyer (2010), who provides a strong legal and academic perspective on academic freedom, suggests that academic freedom can exist wherever academics and research is taking place but also indicates that the debate itself only takes place within the confines of the university. Lynch and Ivancheva (2015:6) also consider that academic freedom as a practice is difficult to find in any other context other than that of a university.

### **2.2.iii: Universities as businesses**

As universities responded to the changing environment, they have become larger and have evolved within a social, political and economic framework. From the 1980s, with the election of a Conservative government, UK higher education became a subject of modernisation using a public management approach. This was based on a view that public services could benefit from practices developed in the private sector. This is often referred to as 'new managerialism' and emphasised the need to manage academics and academic work in an expectation of further marketisation of education (Deem 2004). Deem considers that the theoretical debate on new managerialism was highlighted by the need for culture change, accountability, and easily measured outcomes with internal regulation of performance.

The market within which universities are positioned has progressively become differentiated by product reputation, quality indicators and admissions criteria. Miller (2014) considered that Total Quality Management (TQM), perspectives of continuous improvement, ongoing staff training and customer satisfaction have become central to the values of universities. Customer, or student satisfaction surveys have become important, especially the NSS scores, but as Maringe (cited in Foskett 2011) states, researchers have indicated that the growing focus on students could marginalise the role of staff in exploring the quality of what they do. Collini (2012) observed the huge expansion of universities across the globe, and with this the growth in student numbers, range of subjects and types of institution. Foskett (2011) also commented on the growth of international markets; students come to the UK for teaching programmes, which are also an additional source of income for many universities, and provide opportunities for collaboration in research and enterprise opportunities. This enhances the aspects of globalisation, and education has become a service which the UK can trade. However, the traditional values of a university, including academic freedom, may be at risk because of these changes.

An important element of a university acknowledging its business focus could be said to be that of the formation of vision, mission and values statements. Johnson *et al.* (2013) indicate that the mission is an expression of the organisation, which should be aligned with the values and expectations of major stakeholders. It is founded on the question 'What business are we in?' Truss *et al.* (2012: 43) posit that the vision and mission statements of an organisation are the underlying foundation of an organisation's strategy, created by the strategic management process and used as a focus for direction. Mullane (2002), suggests that a typical mission statement identifies key stakeholders and states the organisation's commitment to meet these stakeholders' needs. Johnson *et al.* (2013) indicate that mission statements should exhibit nine components or characteristics including: customers, products/services, markets and position; technology; implicit concern for survival, growth and profitability; philosophy and values; self-concept; social/environmental responsibility; and concern for employees and other stakeholders. Mission statements have been reported as a broad overarching framework around which other strategic concerns including vision, strategic intent and capabilities, goals, objectives, core values, behavioural standards

and even business models, evolve (Lynch 2000, cited in Kofi Darbi 2012). New managerialism' and its emphasis on the business imperative emerging in higher education since the 1980s has become embedded in university structures and processes, with its narratives of strategic change, codification of behaviours and measures (Deem 2004). Reisz (2010) commented "Mission statements form a major part of how many institutions present themselves to the world and ...how they see themselves".

Morrish and Saunston (2013) researched into how mission statements represent and communicate a key role in how a university constructs its identity, how this aligns to marketisation and how students are positioned as consumers, units of profit and products of the university. Naidoo *et al.* (2014) indicate that the development of brand reputation in higher education has exploded during the last decade as a response to the quasi market situation that has emerged. This is also an enabler for universities to market their products and services to potential customers, as well as a vehicle to manipulate internal change. Cribb and Gerwitz (2013) consider that universities see themselves as competing in the international market for students, investment, prestigious organisational links and the league tables. Universities have set in place a vigorous marketing machine. The authors consider this to be a serious distraction from:

...the celebration of human learning and achievement, and above all towards truth, being sullied by an overzealous pursuit of image and market share (Cribb and Gerwitz 2013: 342).

The authors considered that many universities no longer have an 'ethical centre' and have coined the phrase 'the hollowed-out university'. The academic substance has been subordinated to reputation and impression management. It is no longer a community of learners but a social organisation that can be engineered for any purpose, and it is like "countless other non-educational corporate institutions" (Cribb and Gerwitz, 2013: 344). Naidoo *et al.* (2014) also recognise that branding and marketing could undermine the core values of higher education, including academic freedom in universities, and impact on the universities and academics in their ability to be critical and objective while simultaneously, attempting to adopt a more business-orientated approach.

To summarise the relationship between a university and academic freedom, it is considered by many academics, both historically and currently, that academic freedom should be regarded as an important element of 'being a university'. Traditionally, university education has been associated with academic freedom, more than any other organisation. The contested nature of academic freedom is generally debated within the context of the academy itself. Authors and members of the academy, irrespective of divergent viewpoints, continue to insist that academic freedom should remain as a fundamental element of university higher education, despite universities becoming more focused on the business of education. Academic freedom should be expected to be highlighted as part of a university's *raison d'être*. For the purposes of this research, it is assumed that academic freedom is a property and a fundamental characteristic of a university. Consequently, it is not unrealistic to consider that academic freedom may be recognised as part of the mission of universities and their 'branding' within society.

#### **2.2.iv: Defining academic freedom**

It has been ascertained that universities are places where academic freedom should be undertaken. However, it is not clear what academic freedom is. Within this section, academic freedom as a concept will be further reviewed. Consideration is also given to freedom of speech and its relationship with academic freedom because these two aspects of university related freedoms are often conflated yet, for this study, they are regarded as being separate.

Chapter One referred to Fish's (2014) work in which he outlined five schools of academic debate. Each of the schools he defined and named, and considered them to be a 'taxonomy' of approaches. In undertaking this, he summarised several views of academic freedom that are used by many authors on academic freedom. He discussed a range of perspectives that are recognised as underpinning academic freedom. This suggests that there is a level of consistency of understanding across several elements of academic freedom, even though the details of each of these may be contested by different proponents.

The first of the schools is, 'it's just a job', emphasising professionalism and the evolving business focus nature of a university. Fish considered that academic freedom is an abstract concept and that:

...values of advancing knowledge and truth are not extrinsic to academic activity; they constitute it. They are the "internal good" the "shared pursuit" (Fish 2014; 114).

He regarded the academy as a 'guild' that should be left to its own devices and that academic activity ought to be isolated from political activities. Fish, in advocating this approach, admitted he may be the only academic who supported this. He has met a good deal of opposition for this approach (including Docherty 2014, Macek 2015, Hammersley 2016), and it is considered by some authors that he is placing academic freedom increasingly under threat and reinforcing the stance adopted by managerialism-biased university administrators and officials.

Fish's school 'for the common good', covered shared governance and democracy within the academy. This is the mainstream position in the American academy today, maintaining that academic freedom has special value to a democratic society. The work of Post (2009), an acknowledged author on academic freedom, is particularly considered. In this school 'for the common good', academics are producers of specialised expertise with no immediate practical or political consequences. Academic knowledge is not itself democratic, because it requires professional exclusion and suppression of voices that are not part of the disciplines, but debate with others is necessary as this is essential for democracy.

The next school Fish discussed was that of 'academic exceptionalism' and covered what is a recognised approach often used by academics when in dispute, that academics have special privileges, based on the autonomy of the university, their consequential individual autonomy and their expertise. The management of academic freedom is fiercely resisted and, an important aspect is, the academic does not view themselves as an 'employee'.

Another version covered by Fish is the 'professionalism v critique' approach, whereby the value of the academy is seen through ruthless criticism, and Butler (2006), another American author on academic freedom, is cited in this area. Fish regarded this version of academic freedom to be "the very antithesis of academic freedom" as it challenged the legitimising authority of the academy.

Finally, Fish considers the school of 'virtue before professionalism', where academic freedom is aligned to revolution; the right of faculty to pursue the transformation of society and to enlist students in that cause is discussed. These latter two schools have a strong tradition in debates on academic freedom in universities, their roots being in the liberal and radical perspectives and more openly publicised than the others. These schools create a level of tension between supporting academics and university management. An example of a supporter of the radical perspective is Denis Rancourt, a professor at the University of Ottawa.

In the UK, other authors that include the government and professional bodies, defend and define their views on academic freedom. Barnett (1988: 91) is very single minded and concise in his definition, regarding it as a single principle:

...academic pursuits, carried out in academic settings, by academic persons, should be ultimately directed by those academic persons.

Tight, in the same year, regards academic freedom as a much broader concept:

Academic freedom refers to the freedom of individual academics to study, teach, research and publish without being subject to or causing undue interference. Academic freedom is granted in the belief that it enhances the pursuit and application of worthwhile knowledge, and as such is supported by society through the funding of academics and their institutions. Academic freedom embodies an acceptance by academics of the need to encourage openness and flexibility in academic work, and of their accountability to each other and society in general. (Tight, 1988: 132).

The main legislative adjunct that forms the definition for UK universities is known as the Hillhead Amendment (1988) and is part of the articles and instruments of governance of most universities and colleges, stating:

...freedom within the law to question and test received wisdom, and to put forward new ideas and controversial and unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions (Education Reform Act 1988 s202 (2) (a)).

The term academic freedom is not used in this extract. In 2004, in creating the Director of the Office for Fair Access, the Director was placed in the position to protect academic freedom and the freedom of institutions; the term academic freedom is specifically used in this context:

...to determine the contents of particular courses and the manner in which they are taught, supervised or assessed; and to determine the criteria for the

admission of students and apply those criteria in particular cases... (Higher Education Act 2004, s32 (2)).

Palyfreman (2007) commented that S202 of the Hillhead Amendment only applies to pre-1992 charter universities and institutions of higher education. It does not confirm the legal right to academic freedom but it protects the job of an individual. This indicates that academic freedom has little supportive authority and that protection is limited to the context of each academic's relationship with his or her employing institution. Nothing of relevance is commented upon in the documentation relating to the application of an institution to become a university (see Department of Business Innovation and Skills) and that the QAA Code of Practice for Higher Education (2012) does not have specific requirements relating to the management and practice of the concept. But, in describing criteria related to staffing, the Code of Practice indicates that research and scholarly activity underpin institutions that award research degrees, though is less specific in any form of detail regarding undergraduate based teaching.

Karran, in illustrating the academic approach (2009), considers that academic freedom remains important as a defining characteristic for universities within the European Union through the *Magna Charta Universitatum* (European Universities Association 1988) where it is stated 'Freedom in research and training is a fundamental principle of university life'.

In 1997, 182 member nations of UNESCO (including the 27 EU member states) signed the UNESCO *Recommendation on the Status of Higher Education Personnel* which stated that:

...the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom ... the open communication of findings, hypotheses and opinions lies at the very heart of higher education and provides the strongest guarantee of the accuracy and objectivity of scholarship and research.

Karran's 2007 research (see 2009 citations) also confirmed that out of twenty-seven UNESCO countries, universities were to all intents and purposes autonomous. As to whether academic freedom was protected by law, he stated that the responses showed only two out of twenty-seven countries were non-compliant, one of these being the UK. The results relating to the right of academic staff to have self-government showed that one out of six countries were non-compliant, including the

UK. The right to tenure did not exist for only two of the countries, again the UK being one of these. In summary, Karran noted that in terms of non-compliance, the UK was the lowest and considered that the “UK is the sick man of Europe” (2009:263) in relation to academic freedom. Karran continues to seek further regulation on academic freedom for the UK to provide a level of consistency across the European Union and provide a basis of strength for academic freedom throughout the world. Anderson (2009) stated that whilst British university heads were signing the Magna Charta, the British government at the time were undermining university autonomy and focusing on reinforcing the business managerialism agenda set out in the White Paper of 1986 by signing The Education Reform Act of 1988. Anderson suggested that academic freedom may be limited given government interventions singular to the UK and not reflected in the detail by other European partners, and this is indicated in Karran’s 2007 survey.

Barendt (2010) the lawyer, recognises the value of the Magna Charta but considered that it tends to lead to confusion regarding what academic freedom is. He stated the full document also included aspects of freedom of expression and autonomy of universities and individual academics to participate in university government, of which Karran is fully supportive. Barendt suggested that whilst these latter three aspects can be linked to academic freedom, academic freedom can exist separately. Although, Barendt agreed that the core of academic freedom is based on the work of the individual academic and stressed that academic freedom always carries with it strong professional obligations.

In the UK, the University and College Union (UCU) in January 2009 (reviewed in January 2016) outlined their understanding on academic freedom and drew upon the UNESCO recommendations as well as work done by the Canadian Association of University Teachers. The UCU statement on academic freedom indicates that it is in the interest of the public and society that knowledge boundaries are extended and critical thinking is fostered. In section 2 of the statement, academic freedom includes the rights to:

- freedom in teaching and discussion
- freedom in carrying out research without commercial or political interference
- freedom to disseminate and publish one's research findings

- freedom from institutional censorship, including the right to express one's opinion publicly about the institution or the education system in which one works
- freedom to participate in professional and representative academic bodies

Freedom of expression can be used as a civil right even in areas of sensitivity and controversy, and staff have the right to determine areas of academic interest and can “criticise and publish without fear of their jobs”. The caveat to all of this is that areas of harassment, prejudice and unfair discrimination are not to be jeopardised. Many aspects can be deemed to be sensitive and controversial, and this aspect is reminiscent of the notion of bringing harm to an individual as stated in Mill’s work *On Liberty* in 1859. The five authors of the five versions used to support this study can also be recognised in the UCU statement: it recognises the legislation, it is supportive of the academic and professional perspectives, and has a leaning towards liberalism.

The UCU statement reflects elements of the Hillhead Amendment (1988) but goes much further, covering aspects including: freedom of expression (freedom of speech), public expression about the place and system of work, and the right of the academic to choose their curiosity within these boundaries aligns with the Humboldtian ideals. This approach also has some similarities with the American Association of University Professors (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure. The AAUP statement indicates that academic freedom applies to teaching and research and is essential in the search for truth and for society. The original AAUP statement of 1915 also referred to this. In its second reincarnation in 1940, limitations were introduced. The three principles embodied within the Statement included: 1) an individual academic’s freedom to enquire and research and publish results; 2) the academic’s freedom in relation to their teaching, with the caveat to not introduce controversial matter which has no relation to their subject; 3) the academic’s freedom to voice their views beyond the classroom or institution but only if they were accurate. They should exercise restraint, show respect for the opinions of others and make every effort to indicate that they are not speaking for the institution. The AAUP statement continues to be updated and in 2006 further amendments were made that Fish, in his 2014 review, considered be compromising and limiting in value.

Fish (2014), the professional, as an American academic is supportive of the 1940 AAUP approach and is derided by many American authors on academic freedom for his seemingly conservative, self-announced, minimalist approach to this principle

overall. Fish considers that academics are professionals and that academic freedom should be constrained to that professor's area of expertise, without including political opinion or social justice. Academics are employees, hired to perform a specific job, with freedom limited accordingly. The plausibility of an academic being able to disengage potential personal, political and social inferences from the work for which they are engaged in terms of research and scholarly activity is one of the strong areas of contention amongst academics themselves. For many academics, their disciplines will have a direct explicit link to political, economic and social aspects. Even where this is not necessarily the case, academics are seeking knowledge and truth, and that this may be curtailed or restrained, will have implications that border into such considerations. There was no such timidity as noted in 2) and 3) above provided to the UK based UCU academic.

Williams, the epistemologist (2016), in her recent work on academic freedom, is supportive of the AAUP statement in its original conception of 1915. She considered that scholars need to challenge and create new knowledge in search of the truth. She rejected the politicisation of research and universities and considers that without academic freedom "there is no point to higher education" (Williams 2016:197). She indicated that three elements are at the heart of definitions of academic freedom: "freedom of enquiry and research; freedom of teaching within a university or college; and freedom of extramural utterance and action" (Williams 2016:10)

Whilst the UCU document is broader in its understanding of academic freedom than that indicated by legislation, it is more limiting in its definition and outline of practice when compared to that produced by AFAF (Academics for Academic Freedom). Founded in 2006, the group sees itself as a body for lecturers and academic-related staff, students and researchers; it is not a union but seeks to support and act as an arbiter and a 'voice' of academics. Whilst initially campaigning for academic freedom, it openly confirms that it also embraces the case for free speech (afaf.org.uk). Hayes, the liberal, is one of the founding members of AFAF. This potentially provides an interesting juxtaposition between the UCU perspectives; it overlaps but AFAF particularly emphasises freedom of speech and the right to discuss matters that may be deemed to be offensive. AFAF is not hampered potentially by some of the legal constraints that are imposed, especially relating to freedom of speech. It appears that the insistence of expertise based on the rigour of research and scholarly activity is not a pre-requisite, it is libertarian in approach. This approach is very different to that undertaken by another UK academic group, the Council for Academic Freedom and Academic Standards (CAFAS) that uses the basis of the 1988 legislation as its benchmark.

### **2.2.v: Freedom of speech**

That academic freedom is associated with freedom of expression, freedom of speech or freedom of discussion has already been introduced. The 1988 Hillhead Amendment has been used as a source to support this, i.e. “put forward new ideas and controversial and unpopular opinions”. There is some further protection of academic freedom in the Education Act 1994 s22 (4) in that it requires Higher Education Institutions (HEIs) to issue students with copies of their code of practice in line with the Education (No.2) Act 1986 s43 whereby HEIs must take reasonable steps to ensure freedom of speech for students, employees of the establishment and for visiting speakers’. The recent Counter Terrorism and Security Act 2015 and the Government’s ‘*Prevent Duty Guidance for Higher Education*’ (2015) states that the commitment of universities to the rationality of the freedom of speech underpins the advancement of knowledge. It remains a matter of debate whether freedom of speech and academic freedom are the same thing and this conflation extends the notion of the contested nature of academic freedom further.

The right to freedom of speech or freedom of expression is enshrined within English common law (Palfreyman 2007:23; Barendt 2010)). The rights go beyond free speech and guarantees freedom of expression which includes not only the spoken word but also written material, images and other published or broadcast material. Much of the law relating to free speech is concerned with trying to strike the balance between freedom of expression and the use, or abuse, of that freedom. There are several permitted reasons for limiting free speech, including national security, the protection of health or morals and protection of peoples' rights and reputations. The concept of freedom of speech is closely aligned to the ideal of an open, democratic society, where people can debate and discuss what is appropriate for an enquiring and intellectually based society.

Hayes (2009) the liberal, views free speech and academic freedom as part of a continuum, and this view has support from Brown (2006: 119) who considers that the case can be made for the extension of academic freedom to include free speech amongst the liberal democracies of Western Europe. Hayes believes that academics should speak and write on areas outside their normal research categories and argues

that it is “the transgressing of boundaries that engenders stimulating and creative work in universities’ which ‘often comes from inter-disciplinary interest” (2009:130).

The conflation of academic freedom and freedom of speech debate is not likely to disappear. Universities UK published its report and ‘executive summary’ on ‘The Freedom of Speech on Campus’ in 2011 and aligned freedom of speech with academic freedom, commenting on the legal underpinning of both concepts. The changing context of universities was emphasised but this was focused in relation to freedom of speech and actions to be enshrined within codes of practice. Beyond the introductory page, the term academic freedom was always accompanied by other terms including freedom of speech, campus security and security and equality rights.

The increasingly perceived threat of terrorism and insurrection is regarded by various elements of the media as being incubated within the freedom of the university system. Subsequent to this, students have curtailed the free discussion of ideas. Initiatives including ‘safe spaces’, no platform’, and ‘trigger warnings’ have increased across the academy. Recent examples in England include student unions refusing to allow debates from Dr David Starkey following his comments on working classes and how they ‘have become black’ in 2011 and, Professor Germaine Greer and ‘transphobia’ (2015). Traianou (2015:1), in examining developments relating to academic freedom in the UK, considered that an influential interpretation “...virtually identifies it with ‘free speech’ for academics and students.” This impacts on the practice of academic freedom undertaken by the academics within the universities.

Can academic freedom and freedom of speech be regarded as the same? Barendt, the lawyer (2010) sees the two principles as separate, as does Fish, the professional (2014), who considers that the right of freedom of speech applies to everyone, whereas academic freedom applies only to those few people engaged in academic work. Barendt acknowledges that both are supported by legislation but that this ‘is far from straightforward’ (Barendt 2010: 279). He considers that freedom of speech is often confused with that of extramural speech whereby an academic engages in discussion in their private life. There is a direct link to the employment relationship and the inappropriate ‘conduct’ of an academic in using their freedom of expression, in whatever form, to bring the employing university into disrepute. Fish also supports

this view. Barendt continues to separate academic freedom as being based on research and expertise and that this may be different to what is expressed by an individual academic in their capacity outside their area of professional activity and specialist knowledge. Barendt considers that academics confuse their personal academic freedom with that of freedom of speech and 'extramural activity', consequently abusing their privileges. This separation is supported elsewhere, and in unexpected areas. The survey on Freedom of Speech on university campuses published in the liberal journal, *Spiked* (January 2016), acknowledged that freedom of speech and academic freedom were different, albeit 'related'.

To summarise, there is no one definition of academic freedom. Different definitions emerge, but there is a set of characteristics that can form the basis that many definitions share in part. The Hillhead Amendment (1988) provides a range of distinctive elements relating to academic freedom and these include: academic work being undertaken within the boundaries of the law, to research, to present and disseminate new and controversial information and ensure job security. Each of these aspects has a set of parameters and, depending on an individual's or a group's stance, these vary, giving rise to the contested nature of academic freedom. Freedom of speech and academic freedom are to be regarded, for this study, as separate.

### **2.3. How is academic freedom managed within a university?**

Management in the context of this research refers to how the principle and practice of academic freedom is handled and controlled within the university. Deem (2004) suggests that academic knowledge work is difficult and challenging. "Academics are trained as critical thinkers and can apply this to anyone attempting to manage them" (Deem 2004:111). Managing knowledge work in the context of an audit culture, when academics in the 1960s and 1970s were not held accountable to the same rigorous rules and regulations, has led to some levels of resistance. The context of 'New Managerialism' was often aligned to political groups and ideologies, particularly those of the Conservatives and neo-liberalism but, as Pollitt (2003) points out, this was not necessarily the case, politicisation of academic freedom has taken root in some instances. Changes introduced since the 1980s have impacted on academics and academic freedom.

The management of individual academics and their practice can be regarded as being undertaken through a series of authorisations and limitations created and informed by academics, their peers, through the collegiate approach of scholarly debate and discussion, immediate managers, by the universities, academic bodies such as UCU and AFAF, and by the law, governments, political and societal interventions. In this section, management, through a university's governance structures, regarded as the strategic perspective for this study, will be explored. The autonomy of a university and the growing power of the university governing council, leading to a lessening of the authority of the collective academic voice, via the senate, and individual academic control, is discussed. This is followed by a review of the management and practice of the academics themselves. The university is an employer and certain behaviours and practices are expected to be undertaken by the academic as an employee. This further brings into focus the contested nature of academic freedom.

### **2.3.i: Managing academic freedom, university governance**

Barendt (2010) the lawyer, commented that in the traditional and older universities, academic freedom might be honoured in 'substance', but he considered that anecdotal evidence indicated that in the newer universities this was not necessarily the case, and many of these are viewed as 'teaching universities'. Aarveaara (2010) also suggested that academic freedom may exist in some institutions, for example, at the universities of Oxford and Cambridge, which have 'self-governance' and are collegiate in approach and structure, and it might be found in pockets in differing institutions at different levels, but was less prevalent in the newer universities. He indicates that how universities are managed, their rules of governance, the way the institution or department is funded, the power and autonomy of the subject groupings, departments and faculties, the role as perceived by academics, the divergent structures and their foundations, will all play a role in how academic freedom is perceived and practised.

Shattock (2012) posits that at the time of the Robbins Report of 1963, academic governance was more highly considered than financial governance; it was concentrated in the academic senate and this was to have a mixed system of academics and lay members, with the strength of the decisions lying with the academics. The first change to the governance of universities came in the early 1980s with the financial crisis and Thatcher Government public spending cuts. The Jarratt

Report 1985 recommended the streamlining of committee structures and the establishment of joint planning and resource allocation committees to align financial and academic strategies more closely together. More radically, the report drawing upon business benchmarking indicated that Vice-Chancellors should be chief executives rather than just academic leaders.

The changes being instigated from the 1980s reflected the new managerialism being introduced into universities throughout the UK. Tight (2014: 298) suggests that in the UK, it is accepted that managerialism has existed for a number of decades and that the impact may have varied depending upon whether they were traditional or new universities. Trow (1994) pronounced on two views of managerialism: soft managerialism, based on efficiency and managerial effectiveness, and hard managerialism, based on reshaping and reforming higher education using management systems, which he regarded to be dominant at the time of his writing the 1994 article. This was necessary because the government did not trust the academic community to be able to critically assess its activities, improve them and become a commercial business (Trow, 1994: 11).

As part of the continuing managerialism agenda, the rise of the powers of the executive was further strengthened in 1992 when the polytechnics were granted university status with the new polytechnic constitutions emphasising the role of the executive. This level of power had been evolving through the polytechnics over many years and it was considered that that the executive needed to be concentrating on leadership of the institutions to make them more relevant, rather than them being of mixed representation that provided 'talking shops' and rubber stamping'. With further concessions, it was confirmed that polytechnics required executive management and not 'participative democracy' (Shattock 2012).

The Lambert Review in 2003 reinforced the debate on governance and aimed for university-business cooperation, calling for corporate style structures and a greater role for governing boards instead of the senate. In 2004, the Committee of University Chairmen (CUC) issued a Code of Governance that did not mention the responsibilities of the senate. This led to the new university model of Pro-Vice-Chancellors and Deans being full-time executive appointments rather than part-time

and retaining some academic duties. These roles were not necessarily internally elected and were to be externally advertised; a different career path came into being. Shattock (2012:59) suggests that the creation of executive leadership led to the reduction of academic ownership. Shattock cites Brown (2001) in noting that a strong chief executive could bypass the governing body and, given that they were not entirely knowledgeable of higher education, this could lead to inappropriate decisions being made, and not necessarily in the interests of the academy. Should this occur, the governing body and the executive were not necessarily strongly represented by the academic community. By *et al.* comment that:

...the power of university Vice-Chancellors and senior managers has been greatly increased and collegiality, the involvement of academic staff in decision-making, has been commensurately decreased (By *et al.* 2013:5).

Rowlands (2013:150) in her study of Australian academic boards suggested that these tended to be “ineffective in areas including admission, course content, academic standards, assessment and academic progress”. Members lacked the knowledge and authority; citing the work of Baird (2007):

(academics)...may be less attracted to academic board membership, thus reducing the relative expertise of elected members of the board ...Paradoxically, this further reduces senior managers’ trust in the academic board (Baird 2007 cited in Rowlands 2013:150).

These shifts in responsibility, from the academic board to a range of university senior managers Rowlands suggests, are part of the movement of decision making from the academics to senior management, and her concern is supported by UK authors including Deem 2001, Kolsaker 2008, and Barnett 2011. They also suggest that key aspects of the curriculum were largely determined by management rather than by academic staff or by the academic board and that academic issues were being subsumed by financial imperatives.

Whichever definition of academic freedom is considered, the role of the academic is central, and it is at the end of the Twentieth Century and the turn of the Twenty-First Century that the representative academic collective body is becoming disengaged. This movement, of any form of decision making or even involvement in the process,

away from the academics, is criticised by the five authors and their versions of academic freedom. Barendt (2010), the lawyer, Karran (2009), the academic, and Williams, the epistemologist (2016) view this as contrary to the notion and spirit of academic freedom. However, Fish (2014), the professional, repeatedly questions the need for a strong faculty voice in the administration of colleges and universities, indicating that “shared governance ... is not necessary to the flourishing of academic work” (2014: 42). Inevitably, this increasing lack of the collective or individual academic employee voice leads to further tensions in terms of both academic freedom and the employment relationship.

Despite a chartered history of changes to university governance within the UK, De Boer *et al.* (2010: 318) consider that not much is known about the governing bodies of universities, and he regards it as an “under-exposed research issue”. University governance is undertaken through two groups: the senate or academic body, and the governing council, who appear to be business driven with little desire to be involved in the world of academia, according to Shattock (2012).

Professor Mandler (Cambridge) in an *Observer* press release published on 26th January 2013 entitled ‘Historians warn minister; hands off our academic freedoms’ on the proposals by Willets (the then Education Secretary) to release research findings, is quoted as saying:

Senior managers, even if they were once academics, now seem to be following a completely different agenda very much set by government policy. They are running large businesses (Boffey 2013).

Vice-Chancellors have become the directors of a limited company and this requires a legal commitment to ensuring that the business of a university is appropriately managed and led as a business (see: [www.gov.uk](http://www.gov.uk)). Cornforth (2003 cited by De Boer *et al.* 2010) notes the tensions between board members and how they should be chosen and on what basis, for their expertise or for their ability to represent and foster certain groups/bodies. Tierney (2001:13) had suggested that where ineffective governance structures do exist, where structures of “decision making are inadequate, ill conceived, antiquated or in ill repute” it is questionable whether the university could define or protect academic freedom.

De Boer *et al.* (2010) suggest that despite the diversity of governance structures and practices, and the makeup of the boards, the main powers of a board are for the university's finances, investments and the estate and buildings. Their work includes: mission and strategic vision; long term business plans and budgets; appointing the chief executive and monitoring their contribution; and monitoring institutional performance. It is therefore the role of the senior management teams and the governing council to integrate the university as a business and the business of a university, education.

Watson (2012) insists that universities need to reconsider their role and reflects the concerns of Shattock:

...Universities remain 'communities of scholars' ...and will not be able to chart a future satisfactorily in turbulent times unless they encourage these communities to contribute to institutional decision-making: the voice of the academic community must be a critical element in determining strategy (Shattock 2012:61).

It has already been commented in section 2.2.iii that it would be anticipated that academic freedom would be expected to be recognised in the vision, mission and values statements.

Many commentators on academic freedom are those who are concerned about the negative impact of the new managerialism agenda. In a move, contrary to this, Tight in 2010 considered, that aspect of university collegiality may have "something of a 'golden age' mythic quality about it" (cited in Tight 2014:302) and was probably only experienced by very few academics. He also argues that managerialism is rarely practised in its extreme form. Tight, along with others, including Burnes *et al.* (2014) and Miller (2014), suggest that despite collegiality and managerialism often being highlighted as separate and almost polarised, universities should be considering a "contemporary blending of collegiality and managerialism" (Tight 2014:300). Where a more recent generation have known no other than managerialism as part of the process and culture of the academy (Kolsaker 2008), this allows for the development of a hybridised form of university governance that will recognise the role of the academic and their work.

This deliberate and considered blended approach to university governance may still be in the early stages of recognition and development. The work of Shattock and

Watson indicates that the proposed demarcation between the responsibilities between the governing body and the senate are currently “rather fuzzy or ill-defined” (De Boer *et al.* 2010: 325). They also indicate that academic issues within the remit of the senate may have an impact upon resources and therefore many academic decisions made by the senate are subject to approval by the governing body that is often made up of lay members. Most governing body members are lay and will include university officers, academic members, co-opted lay members, elected staff members and student representatives (Committee of University Chairmen (CUC) 2006). Whatever the exact forms a university may adopt regarding its governance, it is within these structures that the policies and procedures relating to academic freedom are evidenced and decisions concerning this are formulated and acted out, either further down the university chain of hierarchy or by the governing body, and senate when needed. Such procedures may also include those of grievance and discipline, whistleblowing, harassment and bullying, ethics and freedom of speech, and have a direct link to the practice of academic freedom. Academic freedom is becoming subsumed by other policies and practices, often directed by government and society, and further emphasising the contested nature of academic freedom.

Such changes impact on the autonomy of a university, that is, the freedom from interference from external sources. Autonomy was a fundamental element of academic freedom (see Henkel 2007, Rendel 1988) and universities had been proud of this aspect since their development in the middle ages. But, how far university autonomy was ever fully experienced is debatable. Universities must act within the law and as previously commented upon, are constrained by a variety of bodies in terms of teaching, curriculum and research. Further, autonomy of a higher educational institution is difficult to support in today’s political and economic climate, despite Karran’s continued call (2009 and 2013) for this. Anderson’s (2009) statement, that this had been largely signed away by the British government and the neo-liberal new managerialism approach adopted by universities, following the Education Reform Act, 1988, remains an important factor in this debate

Fish (2014) argues that it is only institutions that have academic freedom, not individual academics. He indicates that academics must be free to pursue their job but they should abide by the rules of their university. Academics do not have any distinctive right to participate in administrative decisions or to challenge these. In a

contrary position, Warnock (1992) differentiates between the concept of academic freedom and that of autonomy. Autonomy is the term that may be applied to institutions, indicating that they are self-governing in terms of academic matters, but academic freedom refers to individuals within the institutions. Similarly, Thorens (2006) differentiates between institutional autonomy and academic freedom. A university may be autonomous in defining its mission, but academic freedom can only apply to those individuals who learn, teach and research within the institution. A university cannot claim to have academic freedom but only to protect or limit the academic freedom of its employees and students. It is not a being and therefore it cannot hold academic freedom within itself (Thorens 2006:10). Barendt (2010), the lawyer, also indicates that autonomy itself does not guarantee academic freedom. Again, there is a tension emerging in definitions and connotations relating to academic freedom. It is difficult to isolate specific principles when so many variables are involved and leading to details associated with academic freedom being further contested.

To summarise this section, how universities have responded and managed the effect of the changing external environment since the 1980s is less collegiate or academically focused, it has been increasingly business orientated and financially driven; autonomy may have been sacrificed (Shattock 2012). This impacts on academic freedom and how the management of the principle is viewed. As businesses universities, have had to take into consideration many competing priorities to ensure their success. Whether academic freedom is a symbol or specific part of a university's achievement is a matter of contention. University management structures and people's job roles have changed; and with this the balance of power and this is no longer held by the academics. How academics are then managed and what is expected of them, is determined by the senior management and governing council and how they determine their vision of a university which, in turn is at the behest and bequest of the state.

#### **2.4. The management and practice of academic freedom**

This section sits between the separate section of the management and the practice of academic freedom. It presents the interrelationship between university and strategic management with departmental management and the management of the individual academic, where exercise academic freedom takes place. At the heart of the

management of academic freedom is the employment relationship between the academic as an employee and the university as an employer. This relationship provides a set of expectations that should be met by both parties within the contract of employment. Subsequently, the practice and subsequent behaviours of the individual in the workplace are managed. There is an inherent set of tensions in the employment relationship and these potentially are heightened by academic freedom and the set of principles upon which it is based.

#### **2.4.i: The academic as an employee**

The employment relationship has changed in the UK in the last 40 years through legislation and changes in the economy. A university is an employing organisation and an academic is an employee with a contract of employment, expected to act professionally within a range of standard employment practices. Fish (2014) regarded the role of a university academic as being 'just a job'. 'Academic exceptionalism' and the academic attracting rights and responsibilities over and above those given to other employees (that can also include the exercise of academic freedom as a 'critique' and a basis for 'revolution'), provides some academics with a sense of specialist purpose and protection that, according to Fish, is inappropriate. Nevertheless, such arguments are the basis for the practice of academic freedom within the universities and have been previously discussed within this chapter. They also lead to the notion of academic freedom being contested as there is no consensus on which of these is correct and relevant.

Within this chapter, an outline of what is expected of academics within their role in their disinterested pursuit of knowledge (see for example: Machlup 1955; Shils 1991; Kogan 1996; Andreescu 2009; Karran 2009) has been discussed. These activities, when exercised, may indicate a level of contention between academic freedom, freedom of speech, extramural speech and conduct as an employee. Barendt (2010) the lawyer, further argues that academics can be disciplined by universities if they bring the institution into disrepute by discussing matters either on or off campus, where comments made are not grounded in the academic's area of expertise and specialism; Barendt covers both the areas of freedom of speech and extramural activity in highlighting this. He also refers to the argument of collegiality and indicates that an

academic should not act offensively or rudely, either in language or behaviour, given the academic is a professional, and should act accordingly including within the academic community (Barendt 2010:280). In his comments, he can be seen to be supporting the AAUP caveats, particularly those of 1940, providing legitimacy to the debate of the contested nature of academic freedom within the UK.

High profile legal cases concerning academic freedom have been covered in the media, both within academia and general society. Issues relating to academic freedom are commented upon, taken throughout the world, and there have been some particularly influential cases. Examples include: Professor Barry Spurr in Australia and Professor Steven Salaita in America. In England, some of the more notable examples include: The University of Leeds and Frank Ellis in 2006, The University of Nottingham and Rizwaan Sabir and Hicham Yazza in 2008, the University of Sheffield and Professor Stuart MacDonald in 2012, The University of Warwick and Professor Thomas Docherty in 2014. In this latter case, the exhibition of inappropriate employee behaviours including sarcasm aimed at management and sighing in job interviews, became entangled with academic freedom.

Karran, the academic, and two other researchers undertook a survey in May 2015 on academic freedom in Europe and Africa. One of the co-researchers, has indicated that “Institutional, departmental and other norms and practices do prevail in higher education institutions which may tell a different story from what the law says.” Appiagyei-Atua (2015). Areas of questioning in the survey included: levels of protection offered to staff in relation to academic freedom, the level of information on academic freedom provided by a university, what was regarded as a violation of academic freedom, how academics are able to express their academic freedom, and the forms of sanctions imposed by universities in relation to academic freedom. Many of these aspects can be said to lie at the centre of the employment relationship and are representative of actions taken by management.

In treating the academic as an employee, two sets of principles are in contention. The first is fundamental to the employment contract, that of the roles and responsibilities between the employer and the employee. The second set relates to those of academic freedom. In this context is the suggestion that the work of a university teacher is

different to that of any other employee. An academic's work is not necessarily based on a total commitment to the organisation in which they work, but rather to a set of academic principles (see for example, Deem 2014). These may include the freedom to articulate research and knowledge beyond the confines of the university, and this is for the benefit of society and improving reasoning and understanding of people in general. This can be categorised under Fish's school of 'exceptionalism'.

The growth of universities and their increased focus as a business, has led to the development of the supporting functions required of a business, with increasing management based hierarchies, growing bureaucratic processes, aiming to be strategic and business orientated as a response to the agenda of new managerialism. Waring (2013) comments that the Human Resources Management function has become the regulator for the employment relationship between the employees, including academics, and the university, creating and managing policies and processes necessary to comply with the law and ensuring the management of an array of staff. They have taken on the role of the:

...guardian of employment law, the collaborator with senior management for the need to follow a business pattern and the enforcer of 'individual performance ... to ensure standardisation, conformity and compliance with corporate goals' (Waring 2013:2).

These departments have become important functions within a university. Waring cites Edgley-Pyshorn and Huisman (2011) who, in their study of change in a British university, suggested that academic freedom and autonomy "...may be at odds with human resource (HR) practices that potentially infringe that autonomy or freedom". It is suggested that academic freedom is being compromised by management policies that aim to restrict academics (Shore and Taitz 2012). Shore and Wright (2000) were also suspicious of the management agenda imposed upon academics that had to adopt new forms of conduct and behaviour. Waring is surprised that higher education institutions have become so supportive of human resource management (HRM), given that HR values individualism and the focus in universities previously, having been on democratic and collegiate processes.

In requiring the academic to be business orientated and link individual performance requirements to corporate aims and objectives, there has been an impact on traditional academic identities and, as Waring suggests, this "constrains academic freedom and

autonomy” and reduces “the academic voice” (Waring 2013:19). Academic voice in this context can take two forms: direct voice, whereby the individual can articulate their opinions and be involved in organisational and work based issues; and indirect voice, through representative bodies (Dundon *et al.* 2004). There is an increasing lack of opportunity for the academic as employee to participate in debates and discussions at a senior level and at the level of governance, particularly through the academic board, or senate. Waring sees this as the continuing erosion of academic values, and as damaging and unsettling for the individual academic and the academy. Williams (2016) reflects the basis of this in her argument that the search for knowledge has effectively collapsed.

There has also been an emphasis on enhancing the quality of the teaching provision and the student experience overall. This provision of a strong focus on the teaching function has led to the movement of the academic from being a “...guardian and disseminator of knowledge to student centred learning” (Bryson 2004: 39). Ginsberg (2011) argues that university administrators see teaching as ‘a means’ and that the curriculum is becoming heavily influenced by the interests and preferences of the customers. The academic has become a diminished teacher, knowledge may be transferred but might not be necessarily underpinned by research. There is little opportunity to have time to research and a university framework is used to ensure the highest levels of customer/student feedback. This framework is not seen to be based on a critical model that engenders life-long learning and the development of necessary skills. The academic has taken on managerial and administrative tasks that are time consuming and in conflict with their teaching role, they have had to develop a further range of skills and competencies. Ryan (2012:3) has scathingly suggested that academics have become no more than zombies in their response to an overwhelming change scenario and this position is used as a form of passive resistance and survival.

McInnis (2010) considers that the research based universities may be more easily recognised as being aligned to the traditional notion of the role of the academic. This, may not necessarily be the case, where an academic is working in a faculty where more teaching and little research is undertaken. Many institutions are also looking for ‘academics’ who are interested to enter the academy as a second or third career choice. These personnel have worked in business and industry, previously undertaking a professional role and whose main role will be that of teaching. They

have not been inculcated into the academic discipline department and what it can provide to maintain the culture and trappings of academia that Jacobs discussed in his work of 2013.

Sadler's research (2011) in grading standards and the responsibility of academics to assess and grade student achievement without external interference is supported by legislation in the 2004 Higher Education Act. He indicated a potential area of conflict in relation to institutional administrators and independent agencies regarding their responsibility as monitoring and regulating academic standards. This highlights the power relationships between academics and administrators, also the complexity between institutional, individual and professional autonomy and consequence of this on academic freedom. Such areas of freedom for academics have traditionally provided the academic with credibility within their community of scholars and satisfy the creation of an ongoing contribution to knowledge, giving the individual academic personal satisfaction. With the casualisation of the academic workforce and more associate and part time lecturers with teaching-only responsibilities, there are fewer academics to argue the case for autonomy and freedom, and this creates a vacuum where administrators can step in with an apparent loss of academic freedom.

The principle of academic freedom is therefore being eroded internally within universities, and this can be said to be, in part, a result of the introduction of new managerialism from the 1980s. Academic staff, especially in more vocationally focused universities, may not understand the concept of academic freedom (McInnis 2010). Neither are they given the opportunity to exercise academic freedom given the competing priorities of Twenty-First Century university work. Heads of Department, particularly in newer universities, may not have a traditional academic background. Universities are no longer run by academics but by a range of business related professionals. The strategic management of universities, with an emphasis on the governing council being populated by lay members and senior academics, who are increasingly dependent on a functionally based senior management team, directly influence the day to day management of academics and impacts upon their practice.

In summary, academics are increasingly expected to act as an employee with commitment to their organisation rather than their discipline, which is contrary to traditional considerations (Deem 2004; Tight 2014). The university through the

governing council and its governance structures, policies and practices, defines an academic's activities and practice and anticipates a level of conformity. Academic freedom within universities is regarded, by those who are more vocal in their support of academic freedom, as not being defended by those who run the universities. Such considerations are discussed by Hayes, the liberal, and Williams as the epistemologist, who both fear the loss of academic integrity of universities. Williams refers to "heavy-handed management" and chides those authors on academic freedom who may be more conservative in their approach, including Fish.

#### **2.4.ii: Departmental perspectives and the individual academic**

Academics are generally structured in disciplinary based departments, which Hancock and Hellawell (2003) consider are reflective of a more traditional model of universities and higher education. Henkel (2000) also indicates that academic loyalty is directed to the subject discipline rather than the university itself. Heads of Department, Qualter and Willis (2012) state, have a crucial role in supporting academic colleagues and this includes supporting academic freedom. Ramsden (1998) considered that Heads of Department were a vital point of academic influence. Further, Knight and Trowler (2000) suggest that departmental cultures, especially in older universities, can provide an environment that allows for freedom to pursue knowledge and facilitate creativity and the choice of research projects. Winter (2009) argues that that individuals' academic identities are formed within such departments and staff expectations include a high level of professional discretion and freedom. Jacobs supports this in his work *In Defence of Disciplines* (2013). He regards the academic disciplines and departments to be the "...key unit in the social organisation of the unit" (Jacobs 2013:13). These discipline based departments also provide different methodological approaches and frameworks for evaluating existing knowledge and critiquing new understandings. Similarly, Fish (2014) sees academic freedom as being a group right rather than just an individual right. It is the right of a group, the department and the discipline, to do their job without interference by outsiders. Members within the departments should also be regarded as being the only ones who have the jurisdiction to regulate the responsibility of that job. It is here, that academic freedom is learnt and exercised.

Qualter and Willis (2012) consider that the five most important tasks of a Head of Department included encouraging research and publication, assigning teaching, research, evaluating staff performance, ensuring a conducive work environment and encouraging professional development. Bryman and Lilley (2009) in their study of leadership in higher education found that interviewees expected effective leaders to be protective of staff, and allow staff autonomy to undertake their research and teaching. Knight and Trowler (2000) also recognised that Heads of Departments must balance a series of conflicting priorities. Deem (2004: 120), following her research into the management of university between 1998 - 2000, discusses that, for Heads of Department, the main features of management were audit, rising student numbers, tensions between teaching and research, high workloads and shortage of resources. Yet Brown (2014), a Vice-Chancellor of a new university, suggests that the academic community is still largely self-governing and that individual faculties are responsible for the work allocation and divide. The power and level of influence of departmental heads and the departments themselves can be an important aspect of the practice and existence of academic freedom within a university.

Williams (2016) recognises the strength of the departmental disciplines. They provide a forum of deep and shared knowledge and an intellectual community. She also considers that from this a contradiction can arise, through regulation of membership of the disciplines and through inculcation of specific methods and knowledge. She argues that they become too inward looking and do not face the level of criticism required to ensure the creation of knowledge.

However, this level of power and influence, even at departmental level, may not be all that it seems. Henkel's (2009) study of 300 academics indicated that freedom to determine research agendas and ability to exercise a degree of autonomy were important, but these elements were being eroded. Marginson (1997), suggests that academic freedom is being restricted through emerging business and bureaucratic university systems. Many of these aspects have already been captured within this chapter.

Aarrevaara (2010) notes that, in the most recent CAP (Changing Academic Profession) Survey, across five different countries, UK institutional administrators

carried the highest level of influence over decision making and that academic freedom was most highly concentrated at individual and departmental level; as decision making moved to faculty committees and boards and to higher university structures there was diminishing of consideration of academic freedom: “Expertise based on academic work does not carry with it any power or influence concerning the higher level structures” (Aarrevaara 2010: 66). A top-down management style was commented upon and that collegiality was affiliated to disciplines and departments rather than at the higher levels. This suggests that academic freedom is being side-lined at the top of the university structure by senior management. Academic freedom is managed on an operational basis at discipline and department level and evidence of the existence and practice of academic freedom will be found there, rather than at the higher levels of the university.

## **2.5: How is academic freedom practised within a university?**

Throughout the previous sections of this chapter, aspects of academic freedom outlined through the discussion on the diverse schools of thought, the concept as a contested subject, and the management of academic freedom at different levels, has indicted the actual practices associated with academic freedom on a day to day basis. These are also outlined in sections 2.2 and 2.4 above. The Hillhead Amendment (1988) and the Higher Education Act 2004 provide the basic parameters. These are further extended by bodies such as UCU, AAUP, CAFAS, AFAF and the philosophical discussions of schools of academic theory. Andreescu (2009) argues that academics are paid to collect and compile existing ideas, to redefine them and critically examine them and develop new ideas. This is the professional responsibility of an academic who must follow reason and method in doing so. Fish (2014) considered the role of the academic as being that of a professional and this included the need for rigour, research and objectivity. Even if his approach to academic freedom may be regarded as minimalist, there are certain aspects that assist in providing a broad description of academic freedom. Strike (1982) states that academic freedom belongs “to a group of people for a particular purpose”; they work within a university faculty that exists for knowledge (Strike 1982:101). Andreescu (2009) considers that academic freedom is the right of academics who are professionals in their field and provide research, training and education for other professionals. Gortner (1991) states that academics

are certified professionals possessing “quasi-exclusive expertise in their field” and regulate themselves through independent professional bodies. Andreescu (2009:511) suggests that the curtailment of academic freedom as a professional right, including the scientific ethos, the critical exchange of ideas and the pursuit of truth, is no less than professional degrading.

Karran (2009:191) as an academic, believes that academic freedom is necessary if knowledge is to flourish, as knowledge is created through the challenging of orthodox ideas and beliefs. Academics, because of their role, are more likely to be prepared to disagree with government and authority, and this is appropriate. Additionally, in their role as teachers of students, they should provide a haven for discussion and critical thinking within the university, and these attributes will become transferrable into society through the students who then become members of society, who will maintain and develop these skills further. Karran is not alone in recognising this set of considerations for the basis for academic freedom. Barendt, the lawyer (2010); Fish, the professional, (2014); Hayes, the liberal, (2009); and Williams, the epistemologist, (2016) would support this.

However, it is in the detail where the discrepancies arise. This area of contention is widely debated within the academic community throughout the academic world. Karran notes the work of Machlup (1955) to indicate that the work of a university teacher is different than that of a normal employee whose work is not necessarily based on a tight and total commitment either to the organisation in which they work or their profession. Fish and Barendt reject this, they regard academics to be employees and the Hillhead Amendment (1988) does nothing to indicate anything different from this. This ‘exceptionalism’ argument is irrelevant. Karran, indicates that an academic’s work is based on “his thought and speech”. It is suggested that an academic might lose their job if they are no longer able to either question, challenge or support accepted doctrines that are central to their area of knowledge and discipline. Fish supports this as does Barendt. Both Hayes, as a liberal, and Williams, as an epistemologist, would consider that an individual’s research (for example) was potentially irrelevant and job security should not be at risk: academic freedom for academics in universities is a licence for behaviours and activities not usually associated directly with that of employees of other organisations.

The details of what is, and what is not included in the enactment and practice of academic freedom develops into a tension. What can the individual academic practise in the name of academic freedom? What are the sanctions of stepping beyond any specific boundary? The boundaries, for example those noted in the UCU or the AAUP statements, create limitations. Miller (2014:9) considers that managerialism has created three principle points of conflict between the university and academic freedom: control, instrumentalism and ideology (and language) and these, in turn, have created limitations that some academics attempt to resist. Such limitations, Williams (2016) argues, have created a level of self-censorship; academics may have become too wary in their approach to their expected role of an academic and have become too conformist. Alternatively, academics entering the academy since the 1980s have worked within the parameters of new managerialism (McInnis 2010; Tight 2014) and may not recognise academic freedom in the freer forms of democracy: exceptionalism, liberalism and revolution, and the practices these may stimulate. The elements of the practice of academic freedom become difficult to determine; they are tied inextricably with the different perspectives promulgated.

## **2.6: How do Vice-Chancellors view academic freedom?**

Leaders of universities were increasingly required to have a strong sense of business. Governance structures of universities had effectively subsumed the activity and practice of academic freedom under a set of policies and procedures. This final section of the literature review explores what is expected of Vice-Chancellors and what can be identified as their viewpoint on academic freedom.

The term 'leadership' is one that is current in business today, and whilst this activity does share some of the characteristics of management, there are also some differences. The term leader often refers to an orientation towards organising people and relationships, whilst the term manager refers to organising tasks and systems (Kekale 2015), However Northouse (2013:14) comments that despite the differences, the two constructs of leadership and management overlap. He considers that both processes involve influencing people towards goal attainment. In this work, the terms manager and leader are used synonymously.

The behaviour of leaders shapes how employees view their relationship and social identification with their work organisation. Research in leadership has been mainly concentrated on transformational leadership styles (He and Brown 2013). This is characterised by individualised consideration, intellectual stimulation, inspirational motivation and idealised influence (Bass and Avolio 1994 cited in He and Brown 2013). Much of the research into leadership, especially in higher education and organisations, has been based on immediate supervisors or team leaders. Middlehurst (2010) considered that roles of Vice-Chancellors and Pro-Vice-Chancellors are changing, requiring not only academic capabilities but also those of managing and leading business and commerce within a global environment. He and Brown (2013: 19) sent out a plea for more research into how leadership at different levels may affect the employee within the organisation. O'Conner *et al.* (2014:5), noted that in universities there was a concentration of power at the top of the hierarchy and that little had been written about the experiences of senior leaders. Hambrick (1989) defined such a level of leadership as 'strategic leadership', the focus being on those who have overall responsibility for an organisation, acknowledging that such leadership also required leadership through other leaders within the organisation. The strategic leadership role is both complex and multifaceted and requires appropriate handling of internal and external stakeholders. The role of a senior academic such as a Vice-Chancellor particularly fits these criteria.

O'Connor and colleagues recognised the work of Deem (2004) and that this level of leadership is usually accessed by 'manager academics' who have individual and professional academic experience which they can bring to bear in understanding institutional challenges. Brown (2014) provoked a series of responses to the question he posed in *THE*: 'What are the most important qualities of a Vice-Chancellor?' quoting Isaiah Berlin's comment of 1986, that academic experience was vital for someone to function 'as a natural member' within the academic world. A specific number of academics and higher education experts agreed that the need for an academic was high on the agenda, and alongside being credible within the academic community as well as understanding the institution and meaning of a university, they must do the best for the university. O'Connor *et al.* (2006) state that senior leaders could be considered as privileged in terms of income and influence, observing that their actions shaped the internal culture of their organisations and influenced the higher educational

context. They also assisted in the creation and development of knowledge in terms of organisational and managerial elements. That universities are central to economic growth and this impacts upon society in many ways is also an indication of the power of senior university leaders.

The role of senior academics at the top of a university institution is like that of any leader. Bolden and colleagues in their work on leadership in higher education (20012) used the work of Bolden's PhD citing Buchanan and Huczynski, (2004: 718, adapted from Kotter 1990) who considered that leadership functions included: creating an agenda and establishing direction, developing and aligning people, executing the task, motivating and inspiring, producing outcomes including positive and dramatic change.

These functions are replicated within other theoretical models of leadership and continue to have relevance in leadership research. Several authors have considered the nature of leadership in UK universities including: Deem (2004); Breakwell (2006); Bryman (2007); Middlehurst (2004 and 2008); Spendlove (2007); Whitchurch (2007) and Bolden *et al.* (2008 and 2012). Most leadership textbooks review a series of leadership theories and these include: traits, styles and behaviours; situational and contingency approaches; leadership skills and functions; relationship between leaders and followers; transformational leadership; and servant leadership. Rayner *et al.* (2010) stated that UK universities were exhibiting a model of leadership of transformational characteristics covering the enabling of the vision, mission, values, beliefs and behaviours, with managerialist leadership, having an administrative emphasis dominated by performance targets, accountability and audit and practice-based data management.

Increasingly, leadership is being viewed as part of social processes, and the concepts of shared leadership and distributive leadership are being recognised. This form of leadership facilitates `concertive action` and `pluralistic engagement` (Gronn 2000, 2002). Distributed leadership does not deny the key role played by people in formal leadership positions, but proposes that this is only the tip of the iceberg. Spillane *et al.* (2004: 5) argue that leadership is "stretched over the social and situational contexts" of the organisation and extends the notion to include material and cultural artefacts (language, organisational systems, physical environment), thereby drawing attention

to the 'situated' nature of leadership, or as Bolden *et al.* (2012) referred to it as 'context'.

The notion of distributive leadership is recognised in education circles and Bolden *et al.* (2012) suggested that leadership in higher education was in the main a representative of this focus. Part of a university leader's task is to maintain the integrity of a university, alongside establishing what it is, what it stands for, and how it differentiates itself from non-university establishments. McFarlane (2014), in an editorial comment, was disappointed that despite a call for papers on middle ranking and high level educational leaders, few were forthcoming. Nevertheless, he did note that work on the 'third space' professional (Whitchurch 2008) was more prevalent than ever, and no doubt this is a response to the fact that universities are no longer in the hands of senior academics alone, as previously discussed.

The increasing numbers of specialist staff with their own developing career paths are an important new feature in universities. These have been termed as the 'borderless professional' by Middlehurst (2010) and the 'blended professional' by Whitchurch (2009). These personnel work with academics and outside the confines of the university to promote and deliver the requirements of the university. They are undertaking 'blended roles' and Whitchurch (2008, 2009) describes this as 'new forms of space' in between existing professional and academic domains, a third space. This aligns with the concept of increasing managerialism. These professionals do not come from an academic background and either may not be fully conversant with the concept of academic freedom or may see no place for it. An overview of the Human Resource function in section 2.4.i acknowledges some of the tensions emerging between the academic perspective and that of the business focus. Ultimately, academic freedom becomes relegated and is not brought to the foreground other than in potential disputes, regarded as an element of a power struggle between differing factions and loyalties within university confines.

Bleiklie (2005), in considering the work of Selznick (1984) on leadership, suggests that leadership within universities is about the definition of institutional mission and role, the embodiment of purpose, the defence of institutional integrity and the ordering of internal conflict. University academics, he argues, are autonomous and individual

professionals who are involved within the collective through collegiate bodies, particularly through university governance and the senate. Bleiklie suggests that leaders of institutions, that are made up and run by collegial peer groups, may have a comparatively easy job in the sense that goals and values are internalised by the members and often taken for granted. Individual members tend not to distinguish between their personal mission as professionals and that of the institution. The promotion and protection of values are a collective concern. The leader can count on the support of the members of the organisation in promoting institutional values.

Bleiklie also considers that the values that currently underpin university institutions have changed and these new values may be promoted and protected in different ways to those of the original view of a university. The core value of academic quality was supported by that of academic freedom and granted to the professors based on academic achievement. There is reason in following the route that positions of Department Chair, Dean, Rector, Vice-Chancellor or President are still usually open only to persons that are, or have been, full professors. The role of professor is highly esteemed and marks the pinnacle of an academic career that has proven that the individual is a 'professing' expert and a leading academic in an area of knowledge (Tight 2002). The expectations that face the academic authority assume that high disciplinary competence gives the best academic leadership. But, there has been a shift towards the business executive ideal as economic and governmental agendas have increasingly come to the fore. Bleiklie nevertheless considers that whilst the changes in the 1990s reinforced the executive power of Vice-Chancellors, which could be viewed as a move away from their professor-focused role, this is not necessarily the case:

Thus, the English Vice-Chancellors' experience was that the business executive ideal came in addition to, and without necessarily threatening, their academic credentials (Bleiklie 2005: 207).

Despite the movement away from the collegial focus to that of the managerial and corporate focus of universities, McInnis interestingly considers:

...that there is little evidence to support the view that institutions are less likely to protect academic freedom than they would have done fifty years ago, but certainly the how universities behave, the commercialisation of research,

problems gaining research funding and counterterrorism have all had an impact (McInnis 2010:163).

What are the credentials of Vice-Chancellors? Brown (2014) suggests that leaders should not be chosen on their desire to dominate and he produces a list that includes: integrity, intelligence, articulateness, collegiality, shrewd judgement, a questioning mind, willingness to seek disparate views, being a good listener, ability to absorb information, good memory, adaptability and vision. He also goes on to use Isaiah Berlin and adds to the list: justice, kindness, imagination and intellectual power. Goodall (2009) indicates that the Vice-Chancellor should be an expert in the core business of the institution they run, they need to be a top scholar, know what good teaching looks like and have leadership and management skills. Goodall had previously undertaken a cross sectional analysis of the top 100 universities worldwide in 2006, examining their executive leaders (Vice-Chancellors, Rectors, etc.). The study revealed that Vice-Chancellors who were eminent in their research fields were more likely to understand the need to protect academic freedom in the institutions that they lead, than are their counterparts who are drawn from outside of academia, or who have been appointed based on non-research expertise. Spendlove (2007), in her research in twelve English universities, found that university and academic experience were amongst the strongest themes emerging from the research undertaken relating to leadership in universities.

Breakwell and Tytherleigh (2008) published their summary report on 'The Characteristics, Roles and Selection of Vice-Chancellors' for the Leadership Foundation for Higher Education and concluded that the characteristics and competencies of Vice-Chancellor roles were categorised under four headings: academic related, business related, managerial and leadership characteristics, and personal. Vice-Chancellors were expected to have academic credibility, they were required to influence and understand how a university works, promote and maintain relationships across the university, be responsible for promoting excellence in teaching and research and cover fundraising and commercial activity. The authors noted that candidates did not need to have any specific qualifications in management. The personal characteristics and those of management and leadership included the need to be 'visible', a team builder, being able to work through the committee and governance structures and culture ensuring clear boundaries of responsibility. The

Vice-Chancellor also needed to be flexible and be a decision maker with self-confidence and the ability to instil confidence in others. There was a strong requirement for external leadership to be ambassadorial, provide a clear and positive strategic direction to the university, be a visionary leader and have close links with a myriad of external stakeholders, including the government. Finally, managing change was one of the key competencies required by governing bodies.

The conclusion of this research indicated there had been no radical changes to the socio-demographic characteristics of Vice-Chancellors between 1997 and 2006, other than there were more women in the role. Universities were seeking similar characteristics and competencies to those of other forms of organisations, but the CV must have academic credibility. Shepherd, in her 2014 presentation in Tokyo on 'Who Really Runs English Universities?', provided a more up-to-date profile of Pro-Vice-Chancellor positions up to 2013 in pre-1992 universities: most Vice-Chancellors will often have been Pro-Vice-Chancellors previously. Her conclusions indicate that whilst there has been a widening of external competition, there has been no diversification of the candidate pool, with white males dominating the statistics. Experience outside higher education is not recognised and non-academic managers in higher education are she considered to be an 'invisible group', appointments tended to emphasise 'people like us' and the main job criteria was that of a research track record and academic credibility. She posits that there is evidence within the ranks of Pro-Vice-Chancellors that there is a strengthening of academic authority rather than a diminution of it; academics are running English universities. She also, tantalisingly, considers that Pro-Vice-Chancellors are not seen as part of the academic community and consequently it seems a rationale assumption that this would be a similar case for Vice-Chancellors. The question therefore arises whether senior academics have consciously pushed aside the foundation of their academic credentials when undertaking their senior management and strategic leadership roles. Implicit within Shepherd's consideration would be that this would not be the case. This is an interesting aspect to consider in relation to academic freedom.

Kekale (2015:10) suggests that a good leader should consider when not to interfere or harm a situation by acting under assumptions. The Vice-Chancellor does not act alone and therefore it is important to consider that decisions reached or choices made

regarding the championing of academic freedom may not be taken on an individual basis. The senior academic is leading other leaders within the organisation and this fits with the notion of strategic leadership (Hambrick 1989) and 'upper echelons theory' (Hambrick and Mason 1984). Yukl also confirms that whilst a CEO may not be able to totally dominate the full remit and activity delivering organisational success, they can, despite the constraints of top level executives, have at least a "moderately strong influence of the effectiveness of the organisation" (Yukl 2010: 421). The remit of Vice-Chancellors and Pro-Vice-Chancellors is wide and requires a range of highly tuned leadership and managerial skills and competencies. Accordingly, it can be assumed that senior academic managers are aware of their power resources and the network of power relations in their environment that will assist in meeting outcomes (Pfeiffer (1992a and 1992b). They will gain support of the senior team members who will assist them in achieving these. Vice-Chancellors, as with any other manager or leader, will not have reached the level of the role without actively being involved and indeed succeeding in the organisational game of power and politics. In this context, power is defined as the ability to get other people to do what you want them to do; politics is defined as 'power in action' using a range of techniques and tactics (Buchanan and Badham 2012: 11). Their powers of persuasion and influence are expected to be strong and these will have been honed as they have developed their careers. Potter and Wetherill (1987, cited in Alvesson, 2003:22) suggested that senior leaders, "...use their language to do things, to order and request, persuade and accurse".

In using their skills and knowledge, senior academic strategic leaders use a level of compromise and focus for the benefit of the university. In doing so, despite best intentions "strategic leaders may not always be able to implement legitimate structured decision making processes" (Denis *et al.* 2011:77) and in areas they may consider to be relevant. Not all senior executive team members may understand the concept of academic freedom, and Vice-Chancellors may want to contain divergent interests and the intensity of discussion given the range of elements they need to consider. Sir Keith Burnett, Vice-Chancellor of the University of Sheffield, commenting on freedom of speech in January 2016 stated:

In the end, the responsibility on campus sits with me. And I may not always be right. Despite being a Vice-Chancellor, I am not yet claiming infallibility. But

even if I am wrong, I am still charged with the sacred duty to preserve as I can our community of scholarship. And I will do so to the best of my ability. (*THE*, Jan 2016)

Vice-Chancellors do not work in isolation within a university. They also have external alliances where they can share their experiences and create and strengthen their approaches, identities and levels of influence through working together in a collegiate forum. Universities UK (UUK), has 134 members across the UK, and with over 100 members from English institutions, is such a body. Whether academic freedom is an agenda item as part of the professional and leadership based discussion is interesting. A search for the term 'academic freedom' on the UUK website has produced only information relating to freedom of speech, discussed in the previous section of this chapter. Although, in relation to the role of the senior academics and Vice-Chancellors, Snowden's Presidential address in 2013 states that:

Only by proactively engaging in the debate can the sector shape its own future, policies and goals. ... We have to lead, not follow. Above all we must be clear about what we want ... The higher education sector must show leadership and shape its own future, proactively working with government, business and society to define its own policies and goals (Snowden, 2013).

Karran (2011) commented in a *Times Higher Education* article that Vice-Chancellors "often pontificate at degree ceremonies about the importance of academic freedom to their universities, only to quickly forget, in the face of adverse publicity, that the concept requires them to support their staff against such external attacks." English university Vice-Chancellors rarely publicly comment, or write, on aspects of academic freedom other than in response to issues arising within their specific universities. Yet, more recently, Vice-Chancellors increasingly appear to be taking the lead. Australian researchers suggest that they "speak as though they were the university and relegate others, including academics, as lesser stakeholders or groups to be consulted" (Shore and Taitz, 2012:215). Shore and Taitz suggest that Vice-Chancellors are seen to be claiming ownership of their universities, possibly at the expense of the traditional collegiate focus of a university system. They see this strengthening of the role of managers and Vice-Chancellors as part of an increasing shift in power away from the academics, viewing the Vice-Chancellor as a business leader. They finish their article with the sentence that these managers and administrators "...have come to think of

themselves as the embodiment of what the contemporary globalising university is and what it should stand for” (Shore and Taitz 2012: 216).

In the wake of debate on freedom of speech within universities during the period of 2012 to 2015, some Vice-Chancellors commented on behalf of their institutions; the examples of Richardson (University of Oxford, 2016) and Burnett (The University of Sheffield, 2014) are indicative of this. In making statements on such issues, they are legitimatising their role as leader and definer of the university and what it stands for. Hayes (2015), the liberal, states that “Vice Chancellors are often supportive of academic freedom and free speech” (cited by Tickle 2015). A letter to *The Times* newspaper on 28<sup>th</sup> January 2015, instigated and signed by twenty-four UK university Vice-Chancellors, also signified an ownership of the university and the need to defend academic freedom in the light of impending legislation on terrorism (see Morgan 2015). Barendt (2010;1) considers that “Academic freedom is highly prized by the vast majority of academics and by university Vice-Chancellors and presidents”. However, there is no research or literature that confirms how Vice-Chancellors view academic freedom. This gap in our knowledge provides a platform to explore how Vice-Chancellors see their responsibility for academic freedom within their institutions. If they are leaders and are regarded as being the embodiment of that university and speaking for it, this will have important consequences for the academy.

## **2.7: Summary**

A broad range of published materials has been used to form the basis of this study. The focus was to study academic freedom within its context, the university, and to consider the complex and contested nature of academic freedom and how it is managed and practised. How Vice-Chancellors view academic freedom is central to the enquiry.

The multifaceted nature of academic freedom is an important element of the study because it indicates that a ‘shared understanding’ between all parties involved in aspects of academic freedom is probably not achievable. Academic freedom and freedom of speech, for the purposes of this study, are regarded as being separate. The disparate nature of understanding and defining academic freedom is both a strength and a weakness. The concept and ideal is not fully protected by law.

Academic freedom is associated with inquiry and includes research, testing (implying rigour), presentation and dissemination of new and controversial information, teaching, and a level of protection for the academic within the job role, but there are caveats to each one of these characteristics, which are dependent on the interpretation of freedom.

Universities have some common features that are predicated on teaching and scholarly activity. Universities have some level of autonomy but this is limited due to increasing governmental and other institutional interventions. Universities continue to grow in number; they have remained agile and relevant as institutions, they are regarded as an imperative for economic survival and growth. Alongside this growth is an increasing business focus adopted by universities, and this has been emphasised through the development of new managerialism, in evidence since the 1980s. This, it has been suggested by some, has led to a loss of academic integrity. This may be observed in several ways including how a university exhibits its allegiance and support of academic freedom and how universities present themselves to the world, an example being a university's vision, mission and values statements.

Governance structures of universities have changed over the last forty years, and with this the role of the academic has changed as higher education is perceived to be a business. There has been a weakening of the role of academic body and this in turn has diminished the level of academic influence over the senior management team, the governing council. It is considered that academic freedom is not necessarily understood by those lay members who make decisions about the future of a university.

Changes in relation to the understanding of the employment relationship between the university and the individual academic indicate that the academic is an employee. This has led, in part, to academic freedom becoming obscured by inappropriate related policies and practices, such as those coming under the auspices of human resource management, particularly given the increased focus on the business imperative.

Vice-Chancellor responsibilities straddle the academic and business functions of a university. Vice-Chancellors do not work in isolation; by necessity they are team builders and influencers. They depend on others, not only at senior management level

but also throughout the university structure, for specialist advice and assistance that might not have an academic basis. Many Vice-Chancellors have had academic careers and in many universities, they are regarded as the senior academic. Accordingly, it might be expected that they would support and protect academic freedom. Whether Vice-Chancellors regard academic freedom to be an essential principle of being a university, and how they take responsibility for it, remains unknown.

## **2.8: Using the literature review to provide a basis for this study**

The literature review provided the focus for the study of this thesis. It was found that how the university, and particularly the Vice-Chancellors, understand academic freedom and how it is managed, is not transparent. The challenge of managing a concept is fraught with difficulty and this is further compounded when placed within a context of contested and competing viewpoints of that concept. An investigation into this area, would be an important contribution to the contemporary debate on academic freedom.

The literature review and the wider reading undertaken, also provided the development of the research question and the framework created by the subsidiary questions indicated in Chapter One (section 1.2). This framework was used to structure this chapter; it provided an outline for the questions used in interviewing the Vice-Chancellors and searching the university websites, and generated the organisation of Chapter Four which presents the findings and the analysis of the data and information collected. Additionally, in compiling this literature review, a set of characteristics emerged which are representative of the component features of academic freedom, and were used as the basis for the thematic analysis undertaken when evaluating the primary data and information collected. Further detail on these aspects is provided in Chapters Three and Four.

## **Chapter Three: Methodology**

This chapter covers the rationale for data collection methods and introduces the approach to analysis undertaken for this study. The chapter will include a discussion of the appropriateness of the methods used and the siting of the specific chosen method for primary data collection in current research practice into academic freedom. An introduction to the analysis activities is also included and these will be further elaborated upon in Chapter Four in association with the findings.

### **3.1: Research strategy**

Organisational and educational research is not dominated by positivist epistemology. Very few researchers in these disciplines would support the notion of a fixed hierarchy of evidence with control and models of proof. Truth and explanation can be found through other means than scientific and logical deduction. Buchanan and Bell (2007:3) suggest that organisational research displays a variety of different approaches including positivist, interpretivist and critical. Additionally, Cohen *et al.* (2007) describe a fourth category, an emerging paradigm particularly of relevance to educational research, that of complexity theory.

Positivists treat social phenomenon in a scientific manner, as objects with simple linear cause and effect explanations, as in a controlled experiment, to remove bias and opinion (Collins 1998). There are elements of the positivist tradition evidenced within this work. The gathering of background data in the form of a literature review, the exercise of gathering a purposive and representative sample, utilising a pre-determined framework for the first stage of analysis, are all indicative elements of a positivist methodology. However, positivism ignores the complexity of the subject area and the underpinning influences that impact on the study of sociological generated phenomenon, which is central to this exploration. The search for meaning into the perceptions of others of a concept and its application has been undertaken by adopting a social science interpretivist approach.

Interpretivists look for "...culturally derived and historically situated interpretations of the social life-world" (Crotty, 1998: 67). The concept of academic freedom itself is socially constructed. Tierney (1993) sees academic freedom as part of the social

construction of knowledge and its parameters. It is a concept, historically created within a situational context and maintained by those who could be said to have a vested interest in its continuation. It is appropriate therefore, that a concept that is socially constructed is further explored through the interpretivist paradigm. The aim of the data collection and its analysis in this work was predicated on Vice-Chancellors' understanding of a construct, within a situational context and reviewing their identification of the management and practice of academic freedom within their university.

The work is exploratory in nature, a fact-finding exercise, with the aim of collating information on how Vice-Chancellors view academic freedom. The accumulation of information, and interpretation by the researcher, is a legitimate goal of research (Bryman and Bell 2007). Information has been gathered through a method of 'emergent construction' (Weinstein and Weinstein 1991, cited in Denzin and Lincoln (2000)). The collection, analysis and evaluation processes have been undertaken from an inductive perspective: searching for patterns, developing explanations and drawing conclusions (Bernard 2011:7). However, Denzin and Lincoln (2000) suggest that qualitative research is difficult to define and it can adopt a multi-disciplinary approach, using interpretive practices that fit the purpose, such an approach is evident in this study.

Alvesson and Sköldbberg (2000: 291) consider that within areas of the social sciences discipline "...no single paradigm exists" and this can allow for degrees of freedom and the development of new thinking. Increasingly, researchers are being urged to adopt a multi-paradigmatic format, not to rely on single frames of reference and acknowledge the reality of the 'paradigm soup' (Buchanan and Bryman 2009). Positivist and interpretivist perspectives may be regarded as incomplete accounts of social behaviour, neglecting political and ideological contexts (Cohen *et al.* 2007). The potential political considerations that academic freedom can be aligned to and the consideration of the legitimacy of the power interests involved in the management and practice of academic freedom in universities has been referred to in Chapter Two. Elements of a critical approach are therefore acknowledged in this work, and particularly with regard to the recognition of personal preferences and experiences of the researcher and those who are at the centre of the research, English university

Vice-Chancellors. It is considered that this work can be regarded as 'forming an understanding' through a variety of means. Levi-Straus likened the practice of adopting a variety of research activities, to that of a '*bricoleur*', whereby information gathered and subsequently analysed and evaluated assisted in forming an understanding or '*bricolage*' (Levi-Strauss 1966, also discussed in Denzin and Lincoln 2000). However, in the main, the research strategy, design, and the tools used, are recognised as being within the broad scope of the interpretivist paradigm.

### **3.2: Research design**

Research design is governed by the notion of 'fitness for purpose' (Cohen *et al.* 2007). It provides the structure that guides the delivery of the research methods and the analysis of the data. This research does not contribute to 'grand theory' (Merton 1967), a theory operating at a more abstract or general level. There is no one theory to address and no hypothesis is derived. Interpretative studies do not need to test known theories or patterns.

The research was conducted with a view to 'widening boundaries' of knowledge (Buchanan and Bryman 2009) and understanding the position of academic freedom in universities within a business-orientated, political and socially complex world. The opportunity to research a university can be seen by a researcher as the negotiation through a series of 'organisational' and 'evidential properties' (Buchanan and Bryman 2009). A university as an organisation is made up of numerous individuals with many differing roles, professions, academics and support staff, often with polarised views of their functions in terms of the academic versus the business, created in part, through historical influences. The enquirer, in this instance, also acknowledged they were part of the setting, context and social phenomenon for which a level of understanding was being sought.

In designing the research, it was determined that the 'voice' of a university would be a senior leader, a Vice-Chancellor of a specific English university, chosen as part of a purposive cross sectional, sampling process. Limited research had been undertaken with Vice-Chancellors of universities including: Farnham and Jones (1998), Maringe (2004), and Goodall (2006, 2009). However, the latter two authors did not cover UK Vice-Chancellors alone and none of the interviews were specifically on academic freedom. Others have researched UK Pro-Vice-Chancellors, for example, Spendlove

(2007) and Shepherd (2014) but not directly in relation to academic freedom. There is, however, a range of research of activities within universities that has incorporated Vice-Chancellors into the interviewing process as part of a cross-representative sample of the role of academics (examples include Deem *et al.* (1998-2000) and Bolden *et al.* (2008 and 2012)).

Vice-Chancellors are expected to provide strategic direction and leadership for their university. They are also considered to increasingly see themselves as the embodiment of a university, and to speak on behalf of their university (Shore and Taitz 2012). Further, English universities, whilst being a part of the UK higher education system, are also embedded within a specific historically situated political, social and economic context (Seifert 2015), and a few authors have reviewed higher education and academic freedom specifically within English context, including Deem (2004), and Burnes *et al.* (2014). However, there has been no specific study of English Vice-Chancellors and their understanding of academic freedom. A purposive and representative sample of English universities was chosen and the cross-sectional range included different types of universities: traditional and new, public and private. Vice-Chancellors from those universities were then invited to be interviewed. The university status directed the choice, not the individual Vice-Chancellor. More detail relating to the sample is discussed in section 3.3 of this chapter.

A small-scale survey strategy was utilised rather than a case study approach, which had at first been considered. Given the timescales and being a lone researcher, a case study option would have only given a partial perspective of a very small number of universities, and would not necessarily satisfy the research question posed. The adoption of a wider interview-based survey approach would provide wider, more inclusive results and give a broader cross-section of Vice-Chancellors' opinions. Surveys are usually associated with a wide range of participants and research of a quantitative nature. In this instance, the sample was clearly defined; the survey was qualitative in approach, with conversational semi-structured interviews being the research tool of choice. An example of a similarly structured piece of work is that undertaken by Spendlove and reported on in 2007.

Many authors and commentators base their work on academic freedom on personal considerations and reflections of philosophy, legal and societal activity. The work of

the five authors used as reference points for this study and discussed in Chapters One and Two, fall into this category. Increasingly, research into academic freedom has taken a more applied focus, with large-scale written questionnaires being dominant to gain views of individuals; Karran (2007 and 2015), the CAP survey (1992 and 2007) and a recent example published in *Spiked* on freedom of speech (2016). Empirical studies in higher education, using interviews, covering aspects of academic professionalism, academic identities, managerialism, and leadership in universities, which also refer to academic freedom, are increasing in number: examples include Deem (2004), Henkel (2007), Kolsaker (2008), Macfarlane (2013), and O'Connor *et al.* (2014). However, primary data collection based research in the UK into academic freedom remains limited. Although, more recently, Precious (2014) undertook research into academic freedom in Christian universities using the interview as the main instrument for data gathering. The reason for the use of a qualitative interview in this study is that academic freedom is not just a concept to be debated and theorised upon, but is also associated with behaviours and practices within a working environment. Developing an understanding of the perceptions a specific group concerning these behaviours and practices was most appropriately approached by in-depth conversational one-to-one interviews. `Personal properties` in the shape of the researcher's own preferences and experience, the `organisational properties` in the size, location and sites of the universities and the `evidential` and `political properties` of the chosen respondents, `permissions sought` and `access gained` (Buchanan and Bryman 2009), were also recognised as being relevant.

The research also included a review of website based materials, available to the public, of academic freedom in each institution where an interview took place, with an additional three universities being used. The review of the website was a more contemporary approach to that of reading hard copy materials that might be made available by the university to the public. This was to gain a contextual perspective, a 'snapshot', focusing on gathering pieces of information at a certain point in time (Pauwels 2012). Elements of a 'multimodal framework' for analysing websites (Pauwels 2011) were utilised to provide a basis for a systematic approach to collecting and preparing the data for analysis for the purposes of this study (see Appendix Two (a)). The information gained assisted in providing a more in-depth exploration of the contextually derived and historically situated context of the universities of which the

Vice-Chancellors were leaders. This review was of secondary importance to the information collected through the medium of one-to-one interviews. It also assisted in providing an element of triangulation with materials gained from the interviews and the literature.

### **3.3: Sampling**

One of the most important elements in determining the quality of research is the consideration of the sample strategy adopted (Cohen *et al.* 2007). For this research, the population size of likely contributors was considered in as early as 2011, and finalised in April 2014 at 123 higher education institutions (HEIs), specifically universities. This was based on the *Complete University Guide* publication. In acknowledging that not all universities take part in league tables, an overview of the University Admissions and Applications Service (UCAS) website showed 144 HEIs in the UK at that same point in time. It is accepted that league tables can be viewed as incomplete and inappropriate mechanisms: normalisation procedures exist but they can produce different results when applied to the same data. This can affect how universities are ranked. However, there is no recognised definitive league table and whilst rankings may vary to some extent, the choice of table was based on opportunism. It was the first of the main university league tables available within a specific timeline through the research process and was easily accessible. The table was later reviewed to ensure it remained appropriate as a framework upon which to base a line of enquiry. Whilst it was recognised that other university league tables, including those of *Times Higher Education Supplement*, *The Sunday Times* and the *Guardian*, may place universities in different numeric positions and straddle into different numeric bands, overall most universities were categorised in similar groupings. It was therefore considered that the *Complete University Guide* for 2015 remained the most appropriate table to view the number of universities to create a database for further consideration.

**Sample criteria.** Not all institutions of higher education are necessarily universities, and previous studies into universities have concentrated their research on English universities. Additionally, universities within the UK also have different governance structures and rules, discussed in Chapter Two. English universities are widespread in terms of geography and in terms of types. In the literature review it was discussed

that different forms of university have emerged over an extended period and that there may be differences between pre-1992 and post-1992 universities, public and private universities. The aim was to gain a representative cross-section of different types of universities to consider whether Vice-Chancellors viewed academic freedom in different ways in different types of universities.

A purposive, cross-sectional sample was created that also became a convenience sample. This allowed interviews to be undertaken within a geographical area to fit in with time limitations, access issues and the full variety of universities to be covered. This created a sample of twenty-four universities, almost twenty-five per cent of the overall population of English universities. Included within this sample were three universities, where it was decided that there would be no attempt to approach for an interview, however, their websites would be explored as part of the data collection process. These included the historic universities of Oxford and Cambridge, often regarded as a benchmark for academic freedom as noted in the literature review. At the other end of the range of English universities was BPP University, which received its Royal Charter in 2013 and is a private university, focusing on its business products, with an emphasis on training and targeting the work-based professional. The twenty-one remaining universities were fully representative in terms of types of universities and cross sectioning of positioning throughout the university league tables.

**Access to and representativeness of the sample.** An email was sent to each of the Vice-Chancellors, or their contact, the details having been found through the specific university website. The initial request created a pool of self-selecting interviewees, from a range of universities that covered institutions in the top 20, 40, 60, 80, 100, and 120 universities in the country. Some responses indicated that the Vice-Chancellor was not available within a specific timescale, two did not respond and in some instances the email did not get through to the recipient, which could be a failing on the part of the researcher. All affiliation groups were invited and all were represented: Russell Group/1994, University Alliance, Million Plus Group, Guild HE, Cathedral Group as well as the unaffiliated category, of which there are many, across a whole range of 'traditional', 'new' and 'private' universities. The sampling frame in this instance is valid and appropriate. Ten per cent of the English university population of Vice-Chancellors, or in one case a pro-Vice-Chancellor as a representative, were interviewed.

University websites were interrogated where interviews took place, and an additional three university websites were further explored, providing greater contextualisation and depth of data that could be used to provide a further level for evaluation purposes. This took the form of a fact-finding process. The information was available through public access to university websites.

A copy of the sample overview indicating types of university and places within league tables has been created and is provided in Appendix One. Limitations of the sample are discussed in section 3.6 of this chapter.

### **3.4: Research methods**

#### **3.4.i: Scoping and literature research**

The initial stages concentrated on understanding the subject area and focusing the research itself, it eventually became clear what the gaps in research were. This was further supported using materials that were not purely academic and are often referred to as 'grey literature' (Gray 2014); these included newspaper articles, *Times Higher Education Supplement*, *Spiked*, a variety of websites created by a range of bodies including UCU, AFAF, Universities UK, HEPI, and numerous blogs commenting on recent issues relating to academic freedom. These widened the horizons of the subject area and indicated how far the concept of academic freedom connects into society and with freedom of speech, freedom of information, human rights and 'whistleblowing', as examples. This allowed for a funnelling down in the areas of association between a university and academic freedom and the determination of an approach to information gathering on the practice of academic freedom within universities.

From the work undertaken on the literature review it was possible to draw up an exploratory framework which provided a research question, an outline of subsidiary questions to assist in providing a framework and a summary of approaches to academic freedom by a variety of relevant authors. Also, a range of themes, appropriate to this work on academic freedom, were drawn from the literature. A review of the research methods literature to determine the most appropriate methods for data collection and analysis was similarly undertaken. The review of the literature continued to be an ongoing and iterative process. Additionally, a number of research forums and conferences were attended, including a debate in the Palace of

Westminster in November 2012, and two pilot interviews were conducted, all providing support and development to the research area chosen.

### **3.4.ii: Website review**

It was determined that an exploration into a form of documentary evidence was necessary to provide specific context to the interviews, but also to the subject area itself and how it is viewed by a specific university. Data was gathered from each of the publicly available websites of the universities that were part of the interview survey. The aim was to view whether and how specific universities acknowledged the principle of academic freedom. In addition to these websites, three other university websites were reviewed and were those of the universities of Oxford, Cambridge and BPP.

Website evidence can be categorised as 'mute evidence' (Hodder 2003). This material is often interpreted without supporting commentary from those who produced it or without appropriate contextualisation. Caution must be exercised when undertaking a documentary study, in that the information often has not been written with research in mind. Cohen *et al.* (2007:201 citing the work of Bailey 1994), consider that documents may be highly biased and selective as they were written for a different purpose and audience. The issue of interpretation is appropriate in that the writers of such documents may not be writing objectively, but interpreting information provided to them within a specific context, hence potentially skewing information for specific purposes. Information on websites may be presenting an incomplete record.

There was no dispute in respect to the authenticity of the websites; they were clearly written with a mandate from the university itself, therefore the information can be regarded as trustworthy in terms of its source and purpose. This approach to research is that it is not primary data collection but secondary data collection and secondary analysis. As Schneider (2006, cited in Gray 2014) considered, such sources can provide insight into materials and information, and how an institution presents itself both inwardly and how others perceive it.

Reviewing the website evidence was an important element of the overall study, but it was supportive rather than central. It assisted in the triangulation of information. The approach to retrieving the information was systematic. Each university website was reviewed prior to the interview with the senior leader. Borrowing from *Pauwels (2011)*

multimodal framework for analysing websites it was considered that it was important to record the first general impression of the website “before the researcher's initial reactions are possibly eradicated or supplanted by further, more in-depth research insights” (Pauwels 2012: 255). Pauwels refers to adopting a reflexive attitude to consider the conscious reception of the website between producers, intended audiences and researchers, for whom the website was not intended. The next stage was to make an inventory of salient topics, concentrating on collecting and categorising present and absent features, and attributes can then be counted or measured and put into significant categories steered by theoretical insights and an outline of this can be seen in Appendix Two (a). He also considers that absent topics and features can be as culturally significant as the present ones in that they may “point to cultural taboos, or implicit values and norm’s” (Pauwels 2012: 255).

There was no intention of requesting further detail from the institutions on website information available on academic freedom beyond that which could be sourced in a systematic way, as a member of the public. The approach undertaken was to source information considered to be relevant to the study and covered:

**University name** for access to home page.

**Vice-Chancellor** details. The websites may direct the reviewer to a series of articles or straight to a more formal bibliography, usually located within the ‘About Us’, or equivalent pages. Details were recorded about education, scholarship and research, roles undertaken, any comments made on academic freedom.

**Vision, mission and values statements.** This was the most important search of the websites. It was considered that Vice-Chancellors would be involved in developing and confirming these statements and it was anticipated that if academic freedom was important to the university, it would be included in these. Some university websites are more easily navigable than others. This information may be situated in the ‘About Us’ and ‘Governance’ sites. The term ‘academic freedom’ was searched for as well as terms that emerged from the literature review as being relevant, and these included: autonomy and freedom, research, academic rigour and dissemination of information.

**The term academic freedom** was placed into the general university search bar. Overall, this did not prove to be a fruitful search other than when directed to the governance site.

**The Governance site** and the term 'academic freedom' was used as a prompt. This site provided much of the materials found.

Details were recorded manually and tables were created holding the information for further analysis and, as previously stated, Appendix Two(a) provides details of the framework used for these for each university; the tables themselves being retained by the researcher. It can be considered that the process of data gathering was reliable in the approach taken and can be replicated. A degree of accuracy and comprehensiveness of coverage within specific parameters was sought. However, it is also recognised that websites are not uniform in how they are built nor how they may interact within internal data links; they are also liable to change, often very quickly. Information can be moved, altered and removed. What may be found in one search on one site might not be necessarily repeated on a subsequent visit to the same site. Further, not all websites were able to be interrogated in the same way and this may lead to a degree of interpretation in relation to choices made regarding further search within the website. The analysis of the websites followed the themes used for the interviews.

### **3.4.iii: Interviewing**

Cohen *et al.* (2007:351) suggest that interviews provide access to someone's values and preferences, attitudes and belief, help to identify variables and relationships and can be used with other methods of data gathering. They involve questioning techniques and an active listening approach to gain 'tested knowledge' (Kvale and Brinkmann, 2009:3). The structure of the interview is determined by the interviewer and based on their ideas and research emphasis, with the researcher controlling the situation. The relationship between the interviewer and interviewee can be an important aspect in that the outcome will be that of co-produced knowledge (Kvale and Brinkmann 2009). This approach is different to that of positivistic epistemological tradition whereby only observable data is of value; the basis being scientific facts that are unambiguous, objective and generalisable. The qualitative interview is based on interpersonal interaction. This brings in a level of subjectivity, and data is not necessarily interpreted with a specific emphasis on reproducible outcomes.

The epistemological approach of the research determines the interview methodology. In this work, the qualitative interview was applied and based on the need to understand

specific aspects; the interviews were exploratory in nature (Cohen *et al.* 2007). Questions were asked to gain knowledge and facts; they were also experientially based and developmental in approach. The interviewees' accounts were to be associated with those of other interviewees and information gained from the website data and the literature reviewed.

The interview is usually based on an interpretation made by the researcher of materials gained from a variety of sources. Added to this will be the acknowledgement that insights from one interview to another will be taken and developed accordingly. McCabe (2007) considered that the research undertaken in a car plant was 'emergent' and progressed in line with his intuition during his period of interviewing. As more interviews were undertaken, a greater level of understanding of the content and the situation developed. Initially, some changes in the structure of the interview and the emphasis of the questions took place early in the process following discussion with the research supervisor. An iterative process could be seen to be developing, but not one that substantially changed what was being sought to be achieved. The consistency of the interview process remained paramount.

Kvale (2006:483) suggests that the interview is a hierarchical encounter and interviewees of a more powerful organisational position than that of the interviewer could be problematic. Whilst it could be considered that as an academic interviewing other academics, there is a certain level of reciprocal understanding and shared tacit knowledge based on the sharing of the same habitus, this could also lead to disconnect and a potential 'playing of the other' by each of the parties. Kvale and Brinkmann (2009:33-34) clearly consider that an interview is not a conversation between equal partners, stating it is not a "dominance-free zone of consensus and empathy".

The interviewer is in a strong position in terms of initiating and defining the topic, questions, probes and termination of the conversation/interview. The interviewer is seeking information and has the authority to analyse and interpret the knowledge created as they see appropriate, for example what they perceive the interviewee 'really meant'. However, the interviewee can withhold information, talk around the subject, protest and even withdraw. Alvesson (2003) considers it is important not to simplify the interview situation and that the interviewee may not be a 'moral truth teller'

(Alvesson 2003:14). The neo-positivist and romantic notions of interviewing (Silverman 1993), expecting the interviewee to respond truthfully and openly and without bias, consciously or unconsciously, can be regarded as naïve and inappropriate (Alvesson and Sköldbberg 2003). Whilst the personal properties of the biases and interpretations of the researcher are often acknowledged in research of an interpretive nature, those of the interviewee should also be considered. Alvesson and Sköldbberg state that research “includes and is driven by an interpreter ...who interacts with and contemplates with other interpreters (the people studied)” (2009:10).

The interviewee could be considered as an ‘elite’ (Hertz and Imber 1995), someone in a powerful position, used to expressing their opinions and thoughts. In Chapter Two, section 2.6, it was recognised that Vice-Chancellors should be adept at persuasion and influencing. There is no reason to believe that these skills would not be used upon a researcher, particularly in an area of debate that is contested. The interviews took place in the offices of the Vice-Chancellors, where they were comfortable and gave them an advantage in relation to their power and their familiarity. The interviewer needed to be knowledgeable and confident about the topic. As more confidence was built during the time of interviews, particularly following the pilot interviews, it was increasingly possible to enter a conversation as a partner. The purpose of the qualitative research interview should come close to the structure of an everyday conversation but within a specific framework and drawing out information from the interviewee, thereby collecting knowledge and constructing knowledge (Kvale and Brinkman 2009:48). Although the questions had become more structured in terms of the prompts after the pilot interviews, the confidence of the researcher improved and this in turn created richer and more in-depth data for analysis and discussion. The questions were pre-determined, but open-ended, they were seeking facts and answers that describe and explain situations.

A conversational semi-structured interview checklist (Appendix Three) provided the basis for both the information gathering and data analysis and was based on the subsidiary questions which created a framework aligned to the literature review (Appendix Two (b)) The first two questions put to the interviewee were to define what a university is and what they understood by the term ‘academic freedom’. There was no attempt at this juncture to ask the interviewees to elaborate further; this would be undertaken further within the interview process. The first two questions provided the

setting for the premise upon which this research is based, that of the relationship between the university and academic freedom. The questions were created to review how the concept of academic freedom was understood by the Vice-Chancellor group.

The next set of questions then sought examples and discussion in relation to the management and the practice of academic freedom within the institution to gain evidence of academic freedom being enacted and the forms it took. Questioning did not always follow the exact sequence of questions outlined in Appendix Three. This is regarded as an acceptable variant in the qualitative research gathering process. The final element of the research and academic based framework then focused on the perception of the personal role of the interviewee in their capacity as a Vice-Chancellor and their responsibility in respect to academic freedom. The questioning had effectively moved around in a circular process, reviewing the concept, the management of academic freedom, its practice and finally, how the Vice-Chancellors saw their responsibility in relation to academic freedom, a comparison could then be made with this richer information and that indicated in their first two definitions given at the start of the interview.

All interviews were recorded as agreed with the interviewee, this aimed to minimise bias, and provide evidence to check questions asked and answers gained. Recordings of the interviews have been held securely by interviewer.

### **3.5: Introduction to the analysis**

This section will introduce the rationale for the method of analysis used; more detail will be covered in Chapter Four.

Before any form of analysis was undertaken in relation to the interviews, these had to be transcribed. This was undertaken by the interviewer. It was considered that listening to the recordings personally would be ethical and ensure a level of closeness to the material and the information. As with the recordings, the transcriptions are held securely by the researcher.

Qualitative research can involve handling large quantities of rich data. Eisenhardt and Graebner (2007) suggest 'extensive tables' to summarise information is moving into

the realms of positivism and the seeming need to justify interpretative research within the positivist framework. Fitzgerald and Dopson (2009) suggest this may be against the spirit of interpretivism. However, there remains the need to rationalise the material, and a thematic approach was adopted for the analysis of information gained both from websites and the interviews. Thematic analysis is a term that indicates a focus on identifiable themes and patterns that emerge as being important to the description of the subject of the research itself (Boyatzis 1998).

The analysis was based on using a pre-determined framework, generated by the literature review, and allowing themes to emerge (Qualter and Willis 2012:132). This 'theory-driven' approach provided the basis for a structure that could translate into a series of terms/words that were consistently represented and clustered in respect of the concept of academic freedom and these were introduced in section 3.4.ii above and are detailed in Chapter Four (section 4.1). Where considered appropriate, tables were drawn up to assist in ordering and making sense of the data (see Appendix Six, Template for Analysis), but there was no intention that any extensive tables would be included within the chapter. Rather, an arrangement of materials is presented in Chapter Four supported by additional commentary.

In presenting the information, it was possible to collate certain elements based on recurring instances. This is particularly evident in the sections relating to the website analysis and when analysing the interviews in relation to the first two questions, regarded as 'quick definitions' of 'a university' and 'academic freedom'. A simple approach to coding could be used reviewing the clustering of words and phrases. The work of Miles and Huberman (1994) provided a foundation for the development of the thematic analysis process. This included considering the frequency of words, themes, ideas, clustering of items into categories, connecting data with literature, attempting to clarify key concepts, noting relationships, attempting to build a chain of evidence, making sense of data and using 'informed intuition' to reach a conclusion. In this study, an element of simple counting of frequency of content is used. But, a numerically-based approach cannot provide the suspected meanings behind the words and phrases. Buchanan (2010) supports this notion, indicating that qualitative data can lose 'holistic integrity' using standardised approaches, and indeed it was considered that in the initial analysis activity of this work the resultant fragmentation and

decontextualisation of the data (Gray 2014:621) led to a lack of coherency of situation within a context.

Organising and grouping of data was done manually. Qualitative data can be coded using software packages including NVIVO, but some scholars indicate that there may be a loss of meaning and that the process is too focused on 'code-and retrieve' again, leading to a fragmentation of textual materials (Bryman and Bell 2007). In exploring the interviews covering the management and practice of academic freedom, a greater bias towards a 'data-driven' approach to the analysis was incorporated. An iterative process was adopted, going through the materials, and defining themes and issues. Initial coding was undertaken and this was then refined as comments and terminology were redistributed, attempting to gain a greater level of clarity in relation to meaning stated and implied within the context of the conversations: eventually five themes were used. Providing such detail created the emergence of a second series of themes, producing further four themes which were results-driven.

In analysing the data and information gathered and writing the findings for this thesis it was considered that, given the richness of the data collected the interviewees, words should speak for themselves and raw data in places is produced as a narrative. This is not unusual when working with rich detail gained from transcribed interviews and Bowe *et al.* (1992), argue that verbatim material should be used when having interviewed powerful people, ensuring that justice is given to the words they used. The development of interpretation of information is 'laid bare' for the reader to review the level of objectivity attempted when conclusions are drawn by the researcher as interpreter.

The framework detailed in Chapter One, (section 1.2) was used to arrange the sections of the literature review in Chapter Two, formed the interview structure and used for the presentation of the data and information in Chapter Four. Consideration had been given to presenting the information using the nine themes that had emerged from the overall study, these are presented in Chapter Four (section 4.1) and can be viewed in Appendix Six. However, it was determined that a greater level of transparency would be gained by the continued use of the research framework structure already used. The interview conversations were to be used as the primary

source of analysis (Glaser 1996, cited in Cohen *et al.* 2007) but, reiterations of words, phrases and the collation of these into a series of themes were not regarded as the only unit of scrutiny. Secondary data was used and compared with the primary data to assist in the analysis and interpretation of information. Recognition was also given to probable underlying biases of both the researcher and the interviewee and more information on this is given in Chapter Four (section 4.1), although formally recognised reflexive based tools of analysis were not used within this study.

### **3.6: Ethics in research: quality criteria, limitations and potential bias**

‘Research ethics refers to the moral principles guiding research’ (ESRC 2004). The researcher is questioning the value of the knowledge being produced and what the impact of this might be on a variety of stakeholders, especially as the information will be articulated within the public arena.

An ethical framework is in place within the awarding institution within which this study was undertaken. The framework for the conversational semi-structured interviews was forwarded to the University Research Ethics Committee. However, the internet is a relatively new source for data and ethical guidelines in relation to data gathering are still emerging. Given that the approach taken was that of the interested member of the public, there was no requirement for approval for information gathering.

Ethical considerations were important throughout the work, and as part of this process it was agreed with each Vice-Chancellor that the university itself would not be named and direct inferences would be removed from the materials used as far as possible. This was straightforward in relation to the interview transcripts, but the website reviews created a tension for the researcher, as they were used as a source for compilation of information. To maintain anonymity, it was recognised that citing and referencing the websites would not be possible. There was no intention to deceive, the activity was undertaken to provide context and develop a deeper understanding of the subject and cannot be regarded as invalidating the authenticity of the search and the conclusions drawn. Universities not involved in the interview process have been named. The research undertaken through the interviews can stand alone for this work, but a level of understanding the overall results may be lost.

Academic freedom can be an emotive, sensitive and politicised subject. At least half of the interviewees were cautious about certain elements that they covered, two asking for certain information not to be made available and eight of the sample adding to the conversation after the recording had stopped. During the interview, it had to be stated that the research was undertaken based on a fact-finding approach with a genuine desire to consider current role of academic freedom within English universities. After the interview, the research was discussed with the interviewees and all were happy that their interviews were used for the research.

Reliability refers to the stability of the findings (Gray 2014) and is mainly concerned with the possibility of repeating the results of the study, tending to take the form of a measure. This interpretation of reliability tends to be a focus for quantitative research activities where generalisations and correlations between cause and effect are relevant. The notion of reliability is also closely linked to replicability. This might occur when researchers choose to replicate the findings of others. This requires the researcher to be clear and transparent in communicating their procedures and outcomes.

This research is not quantitative and it was anticipated that the results would not be statistically generalisable. Additionally, individual personalities and values of Vice-Chancellors interviewed may impact on the outcomes of the research as well as the type of university the Vice-Chancellor was representing. However, a range of themes for research were identified and provided a structure for the study, and these translated into interview questions and categories for analysis, a transparent framework was generated. The format of the interviews and how these were undertaken has already been discussed. The website examination followed a systematic approach utilising a sequence of categorisations that were acknowledged as part of the overall study and used for the interviews where appropriate. Each university was systematically surveyed in the same way as far as possible.

It can be said that the method of data collection is replicable; the website prompts can be followed and the questions of the semi-structured interview used. However, it is also acknowledged that the research strategy and design and the subsequent tools adopted and how they were utilised is based on the interpretation and evaluation of

the subject area as perceived by the individual researcher and this suggests that the specific aspects chosen may not be so easily replicable.

Validity is potentially the most important criterion of research and is concerned with the integrity of the conclusions that are generated from the results of the research (Bryman and Bell 2003). The concept of validity can be broken down into several different types. Measurement (or construct) validity applies to quantitative research and is aimed at ensuring that the measure used reflects the concept it is being used for. If it is found that the measure does not reflect the concept, then the research findings will be questionable, thus affecting reliability. Internal validity is aligned to the issue of causality and aims to question whether a conclusion that indicates a causal relationship between two or more variables is valid; this issue is generally related to quantitative research. External validity is linked to the notion of generalisability beyond the specific research context and whilst it may have some relevance to qualitative research, given the pre-occupation with sampling procedures that maximise the opportunity for generating a representative sample, but again, is more related to quantitative research.

The criteria are largely driven by positivist ideologies of research activity and this has caused some concern for researchers using interpretivist methods. Kirk and Miller (1986) applied concepts of validity and reliability to qualitative research but in doing so used the terms differently, and Lincoln and Guba (1985) proposed that alternative terms and ways of assessing qualitative research were required. They used the criterion of trustworthiness and each aspect had a parallel with quantitative research criteria. Credibility related to internal validity (how believable are the findings?); transferability related to external validity (do the findings apply to other contexts?); dependability related to reliability (can the findings apply at other times?); and conformability related to objectivity (how far has the researcher allowed their values and beliefs to intrude in the research?). However, how far these are appropriate and cover the extensive range of methods of research coming under the headings of interpretivist and qualitative remains a moot point for many researchers.

Increasingly, in reviewing the validity of research undertaken, some scholars appear to be adopting a midway position between the extremes of quantitative and qualitative approaches. It is accepted that there is a social reality but one which is not directly

accessible or observable, where the researcher takes a mediation role in constructing that reality (Johnson *et al.* 2006; Reed 2009; Sminia 2009). Validity and trustworthiness of research can therefore be reviewed by using a variety of sources, traceable research data, identification of steps taken to tackle researcher bias (also recognising the role of reflexivity), access to research settings, plausible and credible explanations of emerging patterns, recording and documentation of the research process, relevant research objectives and design, choices made, and interpretations arrived at informed by data and concepts and constructs from the literature (Marshall 2012). This also aligns with the notion of the *bricoleur* (Levi-Straus 1966) and it could be considered that there is a range of criteria that can indicate that research undertaken is relevant and appropriate.

Validity is therefore a matter of degree rather than an absolute. A variety of sources have been explored, and evidence of research information is available and traceable, including the recording and documentation of the research process. It is considered that the research setting and context is understood by the researcher and that relevant choices were made in terms of the focus of the study, research design, interviewees invited and, explanations of materials and patterns emerging from the data; much of this being made transparent within this thesis. Aspects of personal preferences and experiences have been recognised within the study and involve those of both the enquirer and the interviewees. This has been discussed in this chapter as well as in Chapter Four when presenting the research findings and analysing them.

An area for consideration in terms of limitations is that of the number and status of the interviewees. The purposive sample cannot be confirmed as a representative of a wider population in the way a larger sample or comparative studies can do. All interviewees were Vice-Chancellors with one Pro-Vice-Chancellor, who had deputised for the Vice-Chancellor. It has been noted in the section above concerning interviews, the potential issues relating to people in positions of power and status. Further, other stakeholders within universities who may have informed and relevant views on academic freedom, especially those at departmental level and practising day to day academics and researchers, were not given the opportunity to voice their considerations and yet, as noted within the literature review, have probably the most to say about the practice. However, the focus in this instance was on Vice-Chancellors, an underrepresented group as far as empirical research is concerned.

Guest *et al.* (2006) commented on the concept of saturation and considered the degree of data saturation and variability over the course of thematic analysis. They found that saturation occurred within the first twelve interviews, although these could be present after as few as six interviews. Francis *et al.* (2010) also set a limit for sample size for initial analysis at ten interviews with a 'stopping criteria' of three by which no further new ideas necessarily emerge. There were twelve conversational interviews undertaken in total for this research with ten forming the basis of this work. During the interview process, it became clear that the interviewees, whilst promulgating a different level of emphasis on various criteria, were not saying anything that was potentially different. The data provided was rich and meaningful to the study. Basic levels of analysis undertaken at the time of interviews indicated that decisions could be made in relation to the data and that a time-appropriate parameter was relevant in this instance.

Another recognised limitation on the interview materials is that of the emphasis on self-report data gained from a sample of self-selecting respondents. However, there was an attempt at triangulation through the interrogation of website information and in comparing with literature in the area. Additionally, the researcher was an academic and could use own experiences and observations in a reflexive way, although acknowledging personal biases may intrude as well as enhance.

The work was undertaken by a single researcher and this has obvious shortcomings compared with work that is undertaken by teams of researchers. The study may also suffer from the challenges of data collection and analytical validation faced by a novice researcher. Avoiding researcher bias is difficult and Miles and Huberman (1994) noted that this could cover aspects including going native (losing perspective), holistic fallacy (interpreting events as more patterned and congruent than they are), and elite bias (seeking only expert opinions), representing only a small proportion of academic based voices on academic freedom. As far as possible the researcher has aimed to mitigate against representing some of these fallacies, but acknowledges that some may be have slipped into evidence despite all the best intentions.

Interpretation of the choice of information sources and of the data collected is based on the interest and world experience of its author. The researcher has acknowledged that in the analysis, evaluation and the assumptions created, there is an interpretation

of the truth which has been viewed through a personal lens of understanding of the world and that the interviewees themselves will have undertaken a similar perspective, which was expected. Transparency has been sought in the research activities and in providing detail of the research findings. Watson posits that there is a moral dimension to undertaking research that involves a reflexive approach and that the writer should “reveal something of his/her own interventions” (Watson, 1994: 86) and this has been undertaken.

### **3.7: Summary**

The appropriateness of the method used in this study has been discussed. The research strategy adopted was interpretivist and the research methods chosen were qualitative the researcher was faced with interpreting a social world that recognises academic freedom (universities) and which was already interpreted by the Vice-Chancellors interviewed, as well as by scholars, researchers and commentators throughout a turbulent history, who have sought to explore and clarify the concept. This emphasised the need to find out more from individuals about academic freedom using interviews rather than depending on questionnaire survey methods that are often unable to gain the insight that was required. However, in adopting a semi-structured conversational interview process as the main methodological tool, it was recognised that the researcher’s, and the interviewees, personal preferences and perspectives would be instrumental in creating the new knowledge that was being sought.

The timing of the primary data collection was 2013 and, in the main, 2014. A purposive and a representative sample of English universities was chosen and the geographically-based cross-sectional range included different types of universities: traditional and new, public and private. Ten per cent of English universities were surveyed. The information collected was then analysed to establish an overview of the understanding of the concept of academic freedom and its management and practice, by a group of Vice-Chancellors whose position on academic freedom had previously not been known.

It is considered that the siting of the chosen method for information gathering within the subject area is appropriate. Academic freedom is not just an area of debate and

discussion of individuals or groups of like-minded advocates on philosophical underpinnings and legal case studies. In this work the concept is regarded as pertinent to all academics in English universities. It is legitimate to consider the concept, management and practice of academic freedom in relation to a group of professionals in universities. More studies into higher education are being undertaken and interviews are increasingly the method of choice. Academic freedom is progressively an area that is covered in these investigations but, as a specific focus, this is currently limited. Further data collection was undertaken in the form of a website review, acknowledging that universities increasingly use this media for communication purposes. The internet was regarded as an alternative to researching hard-copy documents that are available to the public and which many research activities in the interpretivist genre will include.

The analysis was driven by the research strategy and design and based on the interpretivist paradigm, using a thematic approach, but also recognising the value of a multi-disciplinary activity. The reliability and validity of this exploration has also been reviewed recognising an approach that may be categorised as a hybrid of quantitative and qualitative criteria. The work aims to be trustworthy and informed, using a system of quality and ethical standards. As a *bricoleur* there has been the need, at times, to reconsider activities, but all methods of data collection and analysis have remained within the qualitative research traditions as discussed by Denzin and Lincoln (2000).

The results of the primary and secondary data collection activities and the analysis of these are reviewed in Chapter Four.

## **Chapter Four: Findings and analysis**

This chapter is a review and an analysis of the one-to-one conversational interviews, conducted with a sample of Vice-Chancellors of English universities, as well as a review of the university websites search undertaken. The chapter has been structured using the subsidiary questions as a research framework, as outlined in Chapter One (section 1.2) and used to structure Chapter Two.

### **4.1: Introduction to the analysis and presentation of the findings**

The literature review which presented the context for this study also provided the detail for the basis of the primary data collection and a summary of the first five themes used to analyse information gathered. These were: autonomy and freedom, (these are recognised as being separate but the literature also suggests that they are related and may cover both the university as well as the individual), research, academic rigour (emerging from the need to test and explore, based on the expertise of academics and relating to accuracy, objectivity and scholarship), dissemination of information (in a variety of forms including teaching, publishing, discussion, peer review etc.), and consequences. In determining these themes the categories were reduced from the number initially considered for the study. This was undertaken following a coding exercise using the original themes. During the process of transcribing the interviews, a further set of themes became evident. These provided a further set of 'tensions' that were relevant to the management and practice of academic freedom and the constraints imposed upon it. This second set of themes was driven by the data and was used in reviewing the interview materials. They can be summarised as: importance (given to academic freedom), limitations (imposed upon academic freedom), values (of the university), and intangibles (the difficulty in describing academic freedom). This created a set of nine themes in total used in this study.

The first set of five themes, arising from the literature review, was used to analyse the website data and this was based on frequency counting of words, and clustering of terms and phrases (Miles and Huberman 1994). This is presented both in word form and on a numerical basis and website narrative is also included.

The first set of themes were again used as a basis for analysis of the first two interview questions posed to the Vice-Chancellor group on the concept of academic freedom

and follows a similar format for analysis, including frequency counting, as undertaken for the website review. An example of the colour-coding exercise used is given in Appendix Four

For the review and analysis of the remainder of the information, gathered from the interviews both the first and the second set of themes were used, providing a deeper level of analysis on the management and practice of academic freedom. Narrative in the form of direct quotations from the Vice-Chancellors is used to provide depth and detail and these are presented in italics, to assist in differentiating written materials from information provided through direct speech.

Choices of the narrative used is based on the researcher's understanding of the interview situation and the relationship of the narrative to the question posed and the research question overall. Additionally, it has been recognised that the interviewees themselves will have responded to the questions based on their own experiences and interest. Their motivations may be different to those of the researcher and an interview situation is complex. Alvesson's range of 'metaphors' were considered and helped to provide the researcher with a 'thicker understanding' (Alvesson 2003: 21) of the multiple layers of meaning. Those of interest were; identity work (identification with the university, particularly as a leader), cultural script (shared language across universities and groups within), impression management ("moral storytelling and promotional activity", Alvesson 2003:21), political action ("politically aware and politically motivated", Alvesson 2003:22), and construction work (influencing the interviewee and creating a story that makes sense). However, this method of analysis was not central to the study overall. In attempting to be more critical of the interview perspective, there is a concern that researcher bias, in the form of 'holistic fallacy' (interpreting events as more patterned and congruent than they are (Miles and Huberman 1994)) is reinforced rather than diminished and the researcher was aware of the pitfalls that this could create.

Finally, throughout the chapter, the findings were examined against relevant published and grey literature, particularly that covered in Chapter Two and the five versions of academic freedom that were outlined in Chapter One and further detailed in Chapter Two, are used as reference points: Fish (2014) the professional approach; Barendt

(2010) the legal approach; Karran 2009, the academic approach; Hayes (2009) the liberal approach; and Williams (2016) the epistemological approach.

To analyse the different universities used in the sample and to recognise their position in a set of nationally recognised university league tables, coding of each institution was applied. This was done using a simple approach based on a number allocation and whether it was established as a pre-1992 or post-1992 university. In total, there are 13 universities including the University of Oxford, the University of Cambridge and BPP University represented. Pre-1992 universities have an 'a' suffix, and post-1992 has a 'b' suffix. Whilst two universities in the sample were private, no separate coding was given and they fall within the bounds of the simple coding structure. Anonymity was an important factor for this study and was agreed between the researcher and the Vice-Chancellors.

Before discussing the findings using the research framework, an introduction to the role of Vice-Chancellors in the English university context, based on information gained from the website review, is given to provide an overview.

#### **4.2: Vice-Chancellors: website search findings**

Prior to the interviews, the details of the interviewees were regarded as important from two perspectives: finding out about the research group, and as preparation for meeting the interviewees. Specific information was sought including the education and past employment of the Vice-Chancellors. This was to be done to confirm or reject the contention in the literature that had suggested that most Vice-Chancellors were principally academics. The view taken was that of being an observer and collating the information in a descriptive manner. In searching the websites for details of Vice-Chancellor roles and their biographies, it was interesting to consider that their details were not instantly accessible. Using the 'search site' bar in a university main webpage often produced a large list of jumbled links and secondly, even when deciding to use the link 'About Us' (or equivalent), there was at least one or two more windows to access before information about the Vice-Chancellor surfaced. The human embodiment of a university is less prominent on the university websites than had been expected.

The Vice-Chancellor is recognised as the 'academic and administrative officer' within a university, a term used by the universities of Oxford and Cambridge. The terms 'academic' and 'administrative' are used usually for Vice-Chancellor roles in universities; however, the term 'officer' is not used by all universities. For example, (3a) uses the term 'academic and executive lead', (11b) and (12b) uses the term 'chief executive'. Not all universities clearly indicate what the responsibilities of a Vice-Chancellor are, leaving the researcher to examine a variety of documents contained within a search area covering 'Governance'.

Where responsibilities are alluded to within the websites, terms used include 'leader', 'leadership' and 'management', and generally cover and confirm the details of activities undertaken including: strategic direction/future planning, external (and international) representative of the university, financial leadership, administrative leadership, academic leadership, ceremonial and civic duties, chair of various university bodies, fulfill mission and core values (9b). These are reflected in the work of Breakwell and Tytherleigh (2008) who posited that the characteristics and competencies of Vice-Chancellor roles were categorised under four headings: academic related, business related, managerial and leadership characteristics, and personal traits.

Of the purposive sample of thirteen university Vice-Chancellors, eleven had PhDs and four had been educated at or were linked directly with the universities of Oxford and Cambridge. All Vice-Chancellors had academic careers, with only two having had a substantive role in industry. Whilst the others may have had some links with industry, they appeared to undertake research and forms of consultancy from a university research base. Much of their previous employment had been in academia, and in reviewing the career paths presented in website biographies, the teaching and research roles varied from individual to individual. The majority had been researchers within their own discipline and several had won awards. A limited number (three) had undertaken research in education. There also appeared to be an increasing emphasis on taking on departmental head roles and university-wide roles relatively early in careers and the majority had been in a Pro-Vice-Chancellor role previously. The Vice-Chancellors had a series of externally-based roles that involved being on committees for other bodies including government working parties and initiatives. Deem (2006) commented that this higher level of leadership is usually filled by 'manager

academics', and this still appeared to be the position at the time of the research, 2013 - 2014. There was only one female in this senior level role in the sample used. Vice-Chancellors were also recognised as being directors of the university, supporting the changes emerging from the 1980s and the increasing business focus adopted by universities (De Boer *et al.* 2010, Shattock 2012, and By *et al.* 2013). Finally, the length of tenure varied: eight Vice-Chancellors had been in post for up to five years (with three under two years), three in post for between six and ten years, and two between eleven and fifteen years. There was little doubt that the career pool, as noted by Shepherd (2014), continued to remain restricted to white males and academics.

In reviewing the website for basic information about Vice-Chancellors and their role, the term academic freedom was not found. In making a search through the publicly accessible, university-specific website links, into aspects such as Vice-Chancellor speeches and university newsletters, only two instances of Vice-Chancellors discussing academic freedom were found. In October 2013, Vice-Chancellor (2a) gave a speech where freedom, including academic freedom, was considered at length, alongside elements of autonomy, responsibility to society, the strength of the university and its long-term view. The use of resources and the need to nurture talent were all elaborated upon and linked to the university's core values. (8a), also in a separate section covering the views of the Vice-Chancellor, considered the importance of the role of academic freedom and how this was an important element of being a university, yet the Vice-Chancellor considered that academic freedom was "not at the heart of all universities". Other than this point, there was no evidence of the contested nature of academic freedom; however, it was recognised as an aspect of a university and its identity.

In summary, the sample Vice-Chancellors were academics for most of their working lives. Their role encompasses that of being an academic lead as well as being at the head of a business. Only two appeared to have made any significant contribution to the discussion on academic freedom as part of their role as Vice-Chancellor. This information provides the context for the interviews. It also provides a basis for how the interviews were approached by the interviewer as discussed in Chapter Three and affords an insight into how the interviewees and their experiences and knowledge may

influence their own specific responses to the questions asked (Alvesson and Sköldbberg 2000), which the interviewer was mindful of.

The remainder of this chapter is structured so that analysis is concurrent with the presentation of the findings. Relevant details from the website searches and those of the interviews undertaken are merged where appropriate, under the various headings utilised as the framework for the exploration into the research question outlined in Chapter One: the competing and contested nature of the concept of academic freedom, the management of academic freedom, the practice of academic freedom and, Vice-Chancellors view of academic freedom.

### **4.3: What are the competing and contested perspectives of academic freedom? Background**

The concept of academic freedom is a difficult one to define because of its disparate and multifaceted nature. There are numerous versions of academic freedom, and within this thesis in the literature review, several of these were outlined. There is no clarity in recognising what academic freedom is and how it is evidenced or measured in universities. How academic freedom is managed will depend upon the understanding of what the concept means and this, in turn, will affect what constitutes its practice. The first two areas of exploration were to gain information from the university websites and the Vice-Chancellors about the relationship between academic freedom and universities.

#### **4.3.i: The relationship between universities and academic freedom: What is a university? Website search and interviewee responses**

A review of specific sections of university websites within the research sample was undertaken during 2013 - 2014, generally when the interviews were taking place. This was to gain a perspective on the outward and public facing account of how a university identifies itself through its website, concerning academic freedom. The review was undertaken prior to the interviews and a specific question was asked about the website in the interview process with the Vice-Chancellors. The initial fact-finding exercise was further supplemented following the interview to ensure that data to be used for this study had not been missed. As commented in Chapter Three, website information

can change at any point in time; however, there is a specific period in which the data was collected and collated.

The results of the information gathering exercise were important to this study, yet were deemed to be supportive rather than central to the study. The contextual information gained was used as a lens to review each university in more depth, comparing public facing information with that given from a more personalised view, of the leader, the 'embodiment' of a university, the Vice-Chancellor.

The question 'What is a university?' was posed in the initial search of the university websites. The literature search had shown that academic freedom and the university could be regarded as related and interdependent. Barrow (2009), Hayes (2009) and Barendt (2010) particularly supported this perspective and Lynch and Ivancheva (2015:6) considered it was difficult to find academic freedom in any other context other than a university. A relationship between the two was therefore anticipated and it was expected that this principle would be regarded as part of the mission of universities. It would consequently be expected that the branding of the university and how its organisational identity is created should be reflected in its mission, vision and values, and include the principle and term academic freedom. Reisz (2010) noted that "Mission statements form a major part of how many institutions present themselves to the world and ... how they see themselves". The website is effectively a managerial lens on the role and practices that are undertaken in the name of university. It is created by management for management to emphasise their credentials as an academic institution and for business purposes. Exploration of the websites was therefore aimed at reviewing the vision, mission and values statements of universities. Academic freedom as a term was then sought within the university website available to the public, followed by a search into university governance (and related) sections.

In reviewing all universities within the sample through their websites, most recognised their foundations, with (1a) to (6a) and (8a) being very proud of their background. (13b) was also very keen to ensure that the reader of their site was informed of the history and background of its creation and journey to becoming a university. Apart from (13b), all the other institutions were in existence prior to the 1950s, some as technical colleges and/or colleges of other universities, thus potentially providing evidence of

their credentials as an education provider at a higher level. The structure of the universities was broken into two types: (1a) and (2a) were collegiately based whereas the others were all divided into faculties, departments and/or schools. The older universities emphasised their research departments, but this was not particularly evident in the newer universities, although research activity was recognised.

This emphasis on history and credibility in terms of age of the universities is recognised by a number of authors. Kok *et al.* (2010), consider the differences between the traditional pre- 1992, and the new, post-1992 universities in the UK, and Anderson (2009) suggests that academic freedom has a lesser role in newer higher education institutions, these being more vocationally based in outlook. This is further supported by Aarrevaara (2010), who also suggested that academic freedom may exist in some institutions, for example, at the universities of Oxford and Cambridge, and that it might be found in pockets in differing institutions at different levels, but would be less prevalent in the newer universities.

The remaining website information relating to the role of universities and academic freedom was gained from six Vision statements, eleven Mission statements, seven Values statements and one Ethos statement. Two older institutions had all three types of statements (4a) and (6a), as did three newer universities (9b), (10b) and (12b). One new university only had a mission statement (13a), although on further research a values document was sourced, and for one older university it was not possible to find any of these (8a) hence data was very limited in this respect.

Academic freedom was only used as an explicit term by one university in its vision statement (1a). It may be considered that four other traditional universities alluded to academic freedom (2a), (3a), (6a) and (8a), e.g. 'freedom of thought and expression' (2a), '...free thinking, liberal political thought' (8a), '...commitment to intercultural dialogue and freedom of areas of inquiry' (3a), and 'Advancing knowledge through independent research and academic enquiry (6a); with three new universities using phrases such as 'respectful dialogue' (12b), with a comment relating to 'tolerance' (9b). Autonomy and independence was only commented on by three traditional universities: (1a) which saw itself as 'self-governing', (2a) noted that its 'Colleges are governed by their own statutes and regulations' and (8a). Whilst not explicit in the mission statement, (13b), in its history, notes its

independence from the normal state system and challenges it within its mission statement. Another aspect worthy of comment was that it was unclear as to what the institutional vision and mission statements were. University departments may indicate their own permutations of a mission statement but it was not always possible to find an overall university statement; examples include institutions (7b) and (10b).

Research was associated with the principle of questioning and testing knowledge and ideas and was explicitly recognised in six of the seven traditional universities, with the majority noting that this would be far reaching in that it would have 'global impact' (5a), be 'world class' (1a), and at the 'highest levels of international excellence' (2a). Only two of the new universities noted research with (9) using the term 'originality and impact' and the other using the term 'new knowledge' (12b), although interestingly three did use the terms (or derivatives of the terms) 'innovation' and/or 'enterprise' (9b), (10b), (11b) and these terms could be seen to be being used by the traditional universities also, for example: (2a) and (5a).

The emphasis on providing academic rigour and the notion of providing an education to a student was an interesting one. (1a) considered that it provided 'world class education' and created an 'academic identity' for its students; (2a) ensured that there was a range of 'academic subjects' within its portfolio; and (4a) saw as important that the university had 'rigorous academic standards'. In total, five of the seven traditional universities commented on the academic base and education, although it may be considered that this theme may also have been covered through articulation on research and teaching. It was difficult to determine from the new university websites how far academic rigour was recognised.

When asking the interviewees, 'What is a university?' none referred to the history and structure of their universities, although the Vice-Chancellor from (12b) did refer to the rationale behind its foundation. Interview responses from two of the Vice-Chancellors are indicated below on what they believed a university to be. One interviewee is from a traditional university and the other from a new university:

*"...Universities need to be communities which can debate, look at and discuss difficult issues "(3a).*

*"...an institution that delivers higher education, so that I think it has got to deliver programmes of instruction, erm... that deliver at undergraduate and,*

*perhaps or, at postgraduate (I would prefer and) programmes and that higher education places the student at or close to the cutting edge of the subject. So, for me, everybody has to be a scholar, some have to be researchers. I don't expect everybody to be research active but I expect everybody to be able to get the students to the point where they are up with the current thinking in the subject area" (11a).*

In no instance was the term academic freedom used, although elements that make up the construct of academic freedom can be seen in both accounts, for example; the words “*discussion*” and “*researcher*”. Autonomy was a term only used twice in the whole sample, by interviewees of pre-1992 universities, (4a) and (5a). Given that autonomy is a central principle of universities (for example see Thorens (2006), Karran (2009, 2013), Fish (2014)), has an historical connection and is often associated with academic freedom, it is interesting to consider that only two out of the older established university interviewees noted this element. Even the term “*research*” was limited in its usage and used by only four of the respondents: (4a), (10b), (11b) and (12b). Terms relating specifically to academic rigour proved to be limited and the post-1992 universities made more comment, with (6a), (11b) and (12b) referring to a university being aligned to a “*community*” or “*collection*’ of scholars”, rather than researchers.

The term “*teaching*” was used only used by two interviewees, both from pre-1992 universities (4a) and (6a). This aspect is particularly noteworthy given that this can be viewed as one of the central roles of a university, but at the same time it could be regarded as being covered by other terminologies such as; “*dissemination*” and “*sharing*”. (11b) commented that the role of universities was to “*deliver programmes of instruction*”. Students were mentioned by five of the Vice-Chancellors (4a), (6a), (10b), (11b) and (12b). Regarding dissemination and communication of information, only five Vice-Chancellors commented (3a), (6a), (7b), (10b), (11b) and (12b), with the latter using the impact exercise of the REF as an example. Finally, the area of consequences was considered. (6a) noted the “*benefit to society*” and this was reflected in (12b)’s comments, who particularly linked the role of a university to the need to help society “*work for the common good*” and have a “*mission of service*”. (6a) also noted that there was a link between producing students who then work in organisations, and (7b) saw the knowledge created by universities as providing the “*application of ideas*”

Reviewing the frequency of certain words and terms is useful, but does not provide a full picture. A variety of other words and terms assist in creating a much richer overview of how the respondents define a university and some of these are shown here: “engage”, “exploration”, “pursuit” most of these being aligned with “knowledge” and “the creation of knowledge” (6a), (10b), (12b)). Every interviewee in their outline of what a university is recognised the link between research, scholarly activity and dissemination of information, although the latter may take different forms, e.g. ‘teaching’ (4a), “...a place to invent the future” (9b), “I expect everybody to be able to get the students to the point where they are up with the current thinking in the subject area” (11b). Many also saw the university as a collective; one interviewee used the term “collection”, the term “an institution” was used by four interviewees, two saw it as an “organisation”, one saw it as “a community”, and one used the terms “community of scholars” and “a learning community”. One Vice-Chancellor was utilitarian in their definition “...an institution of higher education whose erm... diplomas are recognised by the state” (8a), although this was extended further in the interview.

When reviewing both the website and the interview question ‘What is a university?’, the picture emerging of a university is of an establishment no longer embedded in the language that could be regarded as historical in its connotations. It was noted in the interviews, when exploring academic freedom more deeply, that two of the Vice-Chancellors considered that terms such as academic freedom may be construed as old-fashioned and outdated (7b) and (9b).

Academic freedom as a term is not used in the vision, mission and values statements of universities sampled, other than in one institution. There were some elements of commonality between universities. However, the lack of direct use of the term academic freedom indicates that in the case of the sample of universities in England used within this study, they do not necessarily consider their existence and purpose being predicated on academic freedom.

#### **4.3.ii: The relationship between universities and academic freedom: What is academic freedom? Website search and interviewee responses**

To explore academic freedom in more depth, university websites were reviewed using two further prompts. The first was that of `academic freedom` as a term itself; the second was based on searching for university governance documentation, generally found in the `About Us` web pages. This category is not common to all university sites within the sample; it was used as a named section by two-thirds of the universities. Within these sites are the documents that confirm the establishment of the university as well as its Royal Charter, and provide detail of the governance structure, the details of roles carried out by senior academic members of universities, various policies and procedures appertaining to academic life, and the university overall. The area of governance was reviewed in section 2.3.i of the literature review and it is in the governance website area that the policies and procedures regarding academic freedom can be evidenced.

In the general search for the phrase academic freedom, university websites provided very limited information. The website of (1a) indicated that there were a few articles and seminars in which academic freedom was discussed, across a range of colleges providing evidence of intellectual debate and curiosity. Recognition of the term and its application in sensitive areas concerning university scholarly and research activity was also evidenced. There were issues with searching the website of (2a) in that much of the information appeared to be concealed in areas of restricted access. There was a link to Vice-Chancellor speeches and this was a subject of deliberation for the recent academic leader. There was also a two-minute video on academic freedom, but no specific context was easily accessible. Whilst not effectively emphasised, it was evident that the term academic freedom has an element of recognition in the university community.

Another traditional university (redacted due to potential sensitivity) provided an amount of information including slides from a recent Vice-Chancellor speech: – slide 5 was entitled `Top down management or academic freedom?` which could be interpreted as a positive connotation for the concept. There were also various committee minutes and one is worthy of note:

(Redacted due to potential sensitivity)

## **vii. Academic Freedom**

There was vigorous discussion in respect of a proposed revision to the extended university mission statement whereby the university's commitment to: "an environment in which academic freedom, scholarship and initiative can flourish, and the professional development of all academic staff encouraged" [1997 Strategic Plan] was to be replaced by: "excellence in managing the University's human resources" [1999 Draft Plan].

The Board was unanimous in its rejection of the proposed redrafting. Academic freedom and scholarship were core values, defining the mission of the University. Excellence in managing the university's human resources, while laudable, was merely a statement of an operational objective. The Board resolved to petition for the reinstatement of text demonstrating that the university's continuing commitment to academic freedom was not in doubt.

However, when reviewing the most recent mission statement, academic freedom was no longer used and this may also add credence to the contested point as to whether the term is outdated. Additionally, a point for consideration is that the term 'academic freedom' was being replaced by a human resources statement, echoing some of the concerns of Waring (2013) and implying something very different to concept of academic freedom itself was being adopted.

University (4a) provided a detailed insight into its governance section but little else was found within the section of the website searched. This was similar to other universities, although the website of (8a) provided detail of a Vice-Chancellor speech in 2012, and associated articles, were also found. In searching the new university websites, nothing was found other than at (10b) where two academics were shown to be interested in academic freedom and this was similar to (11b), where it was noted that two lecturers had contributed to the debate on academic freedom.

In the search covering the 'governance' sites, more relevant information was gained. Every university must uphold the requirements of the Royal Charter and the requirements imposed by legislation. Accordingly, all universities had a derivative of the following statement:

This Statute and any Ordinance or Regulation made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say:

- (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.

This was usually titled *Construction, Application and Interpretation* as an element of the university's statutes, ordinances or regulations.

Universities (3a) and (4a) provided more detail about the role of the academic and academic freedom, but this tended to be directly related to Human Resources (HR) policies and procedures. This reflects the work of Waring (2013) and is associated with the legal imperatives regarding the employment rights of the individual and the new managerialism associated with universities. One traditional university website stated the following:

1. The Academic Freedom Ordinance will be applied by the University when making decisions about Academic Freedom under the following University Ordinances:
  - Discipline
  - Grievance
  - Probation
  - Performance Management
  - Redundancy; and Dismissal for Some Other Substantial Reason

The themes of limitations and negative consequences are emerging. The university provided more detail about its provision regarding academic freedom linking it to its intellectual rigour, teaching, required standards of the professional role as an academic, and in meeting its mission and values. (5a) used the phrase academic freedom in relation to its ethics framework, and specifically linked this to its teaching and learning strategy, but nothing else was of specific note. Therefore, within the traditional universities, the level of detail appertaining to academic freedom was limited, with only four noting anything of any detail beyond that of a specific legally

based statement, and even the fifth one being of little import. The new universities had nothing to further to add to the academic freedom dimension.

What was clear in the governance documentation was that several policies and procedures effectively cover the elements of the Hillhead Amendment (1988), and the majority allude to HR related activities. Freedom of speech (and freedom of information) is prevalent on the sites including policies and related procedures and how to access relevant material appertaining to how the university actions this practice. As noted in the literature review, freedom of speech (section 2.2.v) is different to academic freedom but it could be said that this appears to be regarded as more relevant to the nature of a university and by the university, or a substitute.

The Higher Education Act 2004 requirements are covered through documents in the 'governance packages' of the universities and the legal considerations are met through how students are managed in terms of criteria for admissions; assessment regulations are covered, but this was an area of regulation rather than one of freedom. Standards created by bodies such as the QAA were directing the content. The element of freedom for universities could be seen to be compromised but relevant to the managerialism agenda, with the comment by Theissen shown to be apposite, "Hence notions of 'full freedom' in research and teaching are by their very nature problematic" (Theissen 2001: 85). Certain details differed between universities including criteria for admissions between traditional and new universities. Academic freedom, the heart of a university, was not transparent.

The limited acknowledgement of academic freedom as a term indicates an erosion of the term, and with this, a potential loss of its meaning. A level of conflation appears to have taken place regarding the understanding of different forms of freedom, and this may reflect the knowledge and possible agenda of senior management, governing council and Vice-Chancellors. It also indicated the potential for attributing various activities being assigned to inappropriate practices and management initiatives. This reflects the comments of Waring (2013) who considered that the HRM function had become dominant in universities, and its policies and procedures were contrary to academic freedom; academic freedom was being compromised by management policies that aim to restrict academics (Shore and Taitz 2012) and their freedoms.

The question relating to academic freedom was an important one early in the interview process. The responses provide the first real indicator to the understanding of how different Vice-Chancellors view academic freedom. Appendix Four provides detail of how the initial definitions were analysed using a colour-coded thematic process.

The term “*university*”, or an explicit link made to the “*organisation*” was used by seven out of the ten Vice-Chancellors, with (5a), (7b) and (8a) not using such terms directly. This is interesting given that academic freedom is only accorded to universities and that this is suggested as a necessary pre-requisite and differentiator of a university. The terms relating to autonomy and freedom were used by all ten interviewees.

Institutionally focused examples include:

*“Universities have always had their own autonomy... and there should not be any restriction on what it is they can research” (4a); “institutional freedom” (10b) “academic freedom... part of the collective” (12b).*

All but two interviewees made a direct link to universities and autonomy, independence and/or freedom. Even those who did not use the terminology used terms such as “*scholarship*” and “*research*”, and did indicate both the nature of what a university is and that ultimately a specific link could be intended. There were only two university interviewees who made comments explicitly linked to the notion that being a university necessitates academic freedom, each one being towards the extreme ends of the *Complete University Guide* league tables:

*“Academic freedom comes with being a member of the University and members of universities have always had their own autonomy which is derived from the character, dominant character of the particular institution” (4a).*

*“Academic freedom is certainly freedom of enquiry we must support ..., defend what is at the core about what a university must be” (12b).*

Academic freedom viewed from a personal and individual stance can be seen in the examples:

*“...the space that they can do things they like” (3a), “members of universities have always had their own autonomy” (4a), “freedom for individuals” (6a), “personal freedom” (7b), “...but he or she should have their rights to do that unrestricted” (8a), “...respect the right of academics to work on areas, unfettered by interference from any form of external management... freedom to explore... unfettered by a third party” (9b).*

Specific legal positioning denoted by using the terms such as ‘law’, ‘legal’ or ‘right’ was only mentioned in five of the interviews.

The term “research” was used by only five of the interviewees in response to the question; four of these were from traditional universities. It was also deemed that in terms of context, some respondents had used terms that included “critique”, “challenging” and “empirical” and these were relevant to the areas of research. When words coming under the heading of academic rigour were reviewed, it became clear that these were being clearly linked to the specific and perceived role of the academic and the need for standards and rigour. In terms of analysis, there was a relatively free interpretation of this specific group of words and included a variety, as noted in the examples below; every interviewee recognised the need to be academic and its implied activities within the term of academic freedom:

*“...intellectual capability” (5a), “scholarship” (6a) and (8a), “studying in their particular topic and area of expertise, empirical findings” (7b), “rigorously supportable by evidence so complying with good academic standards” (11b), “academic community, academic peer group” (12b).*

Dissemination of information, particularly externally and beyond the immediate confines of the university which a researcher or academic scholar inhabits, either through discussion, conferences, publication and links to the society in general, were also noted within the content of meaning of academic freedom as indicated by the interviewees. All interviewees specifically noted some aspects other than (11b). Terms used included:

*“...look at, debate, and discuss difficult issues” (3a), “networks, contacts...” (5a), “...right to publish” (8a), “express views...that is of concern to society” (10b).*

The final section of this area of analysis covered the consequences of the use of academic freedom, beyond that of benefit to society, which has already been discussed. Some of the comments clearly aligned into the legal context:

*“...without fear of personal, retribution or, er, negative consequences by generating different ways of looking at things” (6a), “...without fear of that compromising either their personal freedom or their academic... or career” (7b), “... without losing their job” (8a), “...without any fear or any favour” (10b).*

When questioning Vice-Chancellors on their perception of academic freedom, there was a consensus of understanding, although how it was articulated varied. The

concept was associated with the autonomy of a university, it being an outcome of research and scholarly activity; information and data gained should be disseminated in a variety of ways. All but two interviewees made a direct link to universities and autonomy, independence and/or freedom. Only two university interviewees explicitly linked the notion that being a university necessitates academic freedom. There was noted a differentiation between the academic freedom of the collective and academic freedom ascribed to individuals. The 'cultural script' metaphor (Alvesson 2003) can be recognised where an almost 'corporate approach' is being adopted in response to interview questions. The interviewer is being given what the interviewee believes the interviewer wants or what they believe the interviewee needs and so are 'perpetuating a storyline'. Reference to legal requirements was made by less than fifty per cent of the interviewees.

The responses can be recognised in the literature on academic freedom. Yet, there is a pronounced traditional view and an articulation associated more with the professional approach of Fish (2014), recognising the Hillhead Amendment (1988) and possibly the UNESCO statement (1997); the UCU code is also acknowledged in part. There is no identification with the liberal views of Hayes (2009), or Butler (2009), radical perspectives of Rancourt (2008), or of Williams's views of epistemology (2016).

The findings of the literature review, the website search and the first two interview questions posed on the relationship between universities and academic freedom signify that academic freedom as a term is regarded as being of limited significance to universities and Vice-Chancellors. However, what does emerge from the websites is a representation of dynamic and active institutions. The websites can direct a member of the public to courses of education provided at a variety of levels in a variety of disciplines; specific practices relating to the principles of questioning and testing knowledge and opinions; and the level of contribution they purport to give to the community and beyond. The university identity, context and basic assumptions upon which it exists is being created and the type of language used is important and generally business focused.

That the term academic freedom is rarely used is an important finding. However, reference to research, scholarly activity, academic rigour, and dissemination are

evident in the website areas. Therefore, some aspects of what may be associated with academic freedom are present in the sample of university websites used for this research. The use of freedom, as a phrase, is very limited.

#### **4.4: How is academic freedom managed within a university?**

The following sections will cover the major aspects of the interviews and follows the structure of the interview checklist (Appendix Three) derived from the literature review and aligned to the subsidiary questions presented in Chapter One. All nine themes, theory-driven and data-derived, have been applied and include: autonomy and freedom, research, academic rigour, dissemination, consequences, importance, limitations, values, intangibles. In presenting this section of the chapter there will be an emphasis on providing verbatim comments appropriate to interpretative methodologies. Further analysis of the information is undertaken by comparing relevant literature, and recognising researcher and interviewee personal preferences and experience in specific instances.

Firstly, the more formal and collective aspects of the management of academic freedom are explored using the basis of structures of governance and their impact on academic freedom. Also covered is the freedom from interference including third parties in the form of trade unions, and whether academic freedom was an area of active discussion within the universities sampled.

##### **4.4.i: Managing academic freedom; university governance**

All interviewees commented that there were two main bodies overseeing the running of the university as an organisation, and this confirms the statements made by Shattock (2012) and majority of the websites investigated; these were the governing council and the senate, although (10b) and (11b) used the title “*academic board*” rather than senate. All Vice-Chancellors were members of the university council, and all appeared to be the Chair of the academic body itself, (senate/academic board) and as commented by (6a) “...*The Senate is the principal academic body within the university*”, thereby, providing legitimacy to the role of the Vice-Chancellor as the academic head of a university.

How autonomy is maintained was an area of interest, given that academics can also be members of a trade union and university trade unions are supportive of academic freedom, as noted within the literature review and the UCU (2009) statement. Asked whether trade unions were allowed any form of representation within the senate, all interviewees indicated there was no collective role granted to the academic trade unions, therefore there was no right of representation. Individuals were elected on an individual basis. However, there were some interesting comments made and examples include:

*...At the end of the day, erm, you know, the trade union looks after the employment interests and rights of its members; actually, it is Council that is the employer not senate (3a).*

*...there are no trade union representatives on the senate. Senate is entirely comprised of academics (4a).*

*What on earth would be the point? The academics run this place (8a).*

*...you know it's not right to privilege that sort of representation but as a general rule, yes, they get elected on (11b).*

There does appear to be consistency across the responses, but there were also some emerging tensions arising in the discussion on this topic. The interviewees recognised that trade union members and trade union representatives may be members of the academic body, but the senate was not seen as a place for collective representation; each member is representing themselves:

*...it is not a representative body but it is there to use our collective wisdom to shape our policy (7b).*

None of the interviewees wanted to progress this topic further. Rather than trying to force this discussion forward, it was decided that there were other questions within the interview to be asked that could indicate how academic freedom was being represented within the university. There may be some significance to this absence of wanting to discuss this; however, this could only be considered once more information could be gathered in the other topic areas.

When asked if academic freedom had been discussed at senate, the response was in the negative from all interviewees. In some cases, the answers proved to be non-committal; the implication was that academic freedom may have been discussed but the interviewees did not wish to provide specific examples:

*It hasn't in Council; we have never had an item on Senate agenda... but what we have had is a number of discussions where a core element of that discussion has been the notion of what academic freedom is about (3a.)*

*There has never been anything raised about the freedoms to do research because my view is straightforward on this, mainly what I have said is academics have the right to conduct research in whatever areas, and if people give them access to do research that is the arbiter (4a).*

*Not as such ...can't remember academic freedom being an issue. ...It may be mentioned in, when particular issues are discussed. Individuals say I have an academic view on this which reflects academic freedom but it is, er, almost a philosophical notion alongside the debate on something, else but we haven't had a discussion which academic freedom is the core issue (6a).*

*The majority of the academics here are teachers rather than scholars. So... relatively few of them have... particularly anything original to say as areas of scholarship (8a).*

*Not in my time, it's just something of a given really. People don't, they assume, there's an expectancy that it just, it's like the air, it's just there so why would you mandate for it? (9b).*

*It hasn't been in my time here, I don't think anyone has felt the need to raise it, there would be nothing to prevent somebody raising it, er we haven't had an issue or an incident that would then demand us to go back and ask are we doing something wrong about academic freedom (11b)*

Academic freedom as a specific subject area was not one that formed an agenda item at a university-wide level at any of the universities sampled, possibly indicating a lack of importance. However, during the interviews, in playing back the recordings and in subsequent responses made, it was evident in the hesitation around some of the phrasing, and the tone of voice, that *something* seems to have been discussed but without clearly naming it as academic freedom. There were no specific forthcoming examples at this juncture. Academic freedom had not been an issue; nothing had arisen that caused concern.

However, as the conversations continued (the detail of which has not been used for this study at the request of the interviewees) there were some examples of academics

who may have behaved inappropriately, and types of actions taken were discussed. This implies limitations are in place and consequences are recognised. Indeed, throughout the interviews, Alvesson's (2003) metaphors of identity work, cultural script application, impression management, and political action were all exhibited by the interviewees. The Vice-Chancellors appeared to want to give a good impression of themselves and their institutions. There is a strong level of integrity implied, as well as identification with a set of values and ideals. Political sensitivity and a level of defensiveness were evident in a number of responses.

If it is considered that Vice-Chancellors are truthful in their responses and their statements that academic freedom is not discussed as a subject is honest, this supports the supposition that academic freedom is being subsumed as a term. Waring (2013: 19) had noted that with the increasing business focus and the strengthening role of the function and activities of HRM, there had been "...an erosion of academic values" and constraint on "...academic freedom and autonomy". In consequence, the notion of debate amongst academics on the senate on the concept of academic freedom is diminished or lost entirely. Any discussion is potentially undertaken within the governing council where academic freedom is viewed as being part of the policies and procedures of governance. De Boer *et al.* (2010) stated that the main powers of the council were business related and most governing body members were non-academics. Academic freedom is therefore considered through as a different set of values: business focused rather than academic

Academic freedom is consequently portrayed in a negative way and becomes part of inappropriate behaviours that are managed through inappropriate policies and by inappropriate personnel. This should not be a surprise given that many researchers have noted that the Hillhead Amendment (1988) only confirms the right of academic freedom to academics by protecting their job. Shattock (2012: 61) pleaded that universities should retain their focus and remain "...communities of scholars" and that these should be "the voice of the academic community". Waring (2013) considered that academic voice was being diminished. It is the academic board, or senate that should address issues of academic quality and standards in education and research and it is here that academic freedom would be expected to be discussed. The academics who form the membership of the senate are important in that they should

be ensuring there is a lack of self-interest, with a strong understanding of education and research and "...the values enshrined in the institutional mission" (Gillies 2011) and to maintain academic neutrality.

Another idea emerging from the voices of the Vice-Chancellor group that academic freedom is a "*philosophical notion*" (6a) and "*it's like the air*" (9b), an impression of academic freedom being intangible, no more than a concept. However, this is contrary to the fact that it is being managed with policies and procedures being in place.

A final consideration is that if academic freedom is high on the agenda, there should be a concern that the communication between leaders and academics will reflect this. The use and membership of the university governance structures, as well as the format of the policies and procedures enacted within the universities sampled for this study, do not afford a high level of exposure of academics to the concept and management of academic freedom. From an interpretivist perspective, the language of the construction of reality is not being used in any meaningful or promotional format concerning academic freedom. Rather, as noted by Karran (2009), a model of strong managerialism surrounds the notion of academic freedom in English universities. More recently, Docherty (2014 in *THE*) commented that academic freedom was being "...managed, in fact, almost to death". It is of significance to recognise that the term 'academic freedom' is emerging as one that is problematic and needs management through policies and procedures that imply a negative connotation rather than a celebration of privilege, responsibility, or duty.

#### **4.4.ii: Presenting academic freedom externally**

The management of academic freedom in respect of how it is articulated and presented externally was considered by the researcher to be of importance, particularly if the Vice-Chancellor was committed to the concept as being part of the mission of a university. This was deemed to be relevant given the academic responsibility of a Vice-Chancellor as the 'guardian' of the integrity, standards, purpose and proposition of a university. Information on the search of the universities' websites has already been discussed and evaluated in section 4.2. Further detail is provided in this section to add to the depth of information in the area.

In response to the question relating to how academic freedom was presented on their university websites and in published literature, and aligning the interview to the areas of vision, mission statements and university branding, the Vice-Chancellors said they did not know and the view of academic freedom being of limited importance is enhanced. They did not see academic freedom as part of the branding or the identity of a university:

*Well, we espouse all sorts of things as an institution but you wouldn't necessarily repeat on the front of our website, ...but I think if we went on to our intranet you would find a statement on academic freedom, it may not be called that but I guess it would have that import (7b).*

*Yes. It's not presented in any of this. It's absolutely implicit however, it's absolutely tacit. This university was created to promote academic freedom (8a).*

*I don't think it is... it is so fundamentally a given in terms of the way I have been part of institutions it's almost like so self-evident that, erm, one doesn't feel the need to explain it. It's almost as if like I've managed to go on so far and I have never written down the process by which I breathe. I just keep doing it (10b).*

*I think the only place you would find it would be in the instruments of governance, I don't think we have felt the need to do anything else (11b).*

*You wouldn't find it in the documents (12b).*

Academic freedom is regarded as an intangible, and there is a shared understanding of its existence and meaning. Alternatively, this can be viewed that the management of academic freedom within the university recognises that formal processes being in place are legally required, yet the awareness, knowledge and expectation of the management of academic freedom is limited, and is potentially of little importance to the Vice-Chancellors. They did not consider that academic freedom was important enough to warrant any recognition on publicly facing webpages.

#### **4.5: The management and practice of academic freedom**

This section considers the overlap between the management of academic freedom and its exercise, its day to day practice and was covered in the interview questions. At governance level, rules and regulations have been created that cover aspects of academic freedom; these tend to be associated with the contract of employment. This provides a framework for management of academic freedom, and also provides a structure for management at departmental level regarding how individual academics are managed and what is expected in relation to practice.

#### **4.5.i: The academic as an employee, educating the academic**

The first aspect of this area of discussion on academic freedom with the Vice-Chancellor group was that of induction, and educating academic staff members on academic freedom. If academic freedom is a fundamental pre-requisite of a university, it would be anticipated that staff would be made aware of this. They would know how to recognise it and what was expected of them. The responses from the interviewees were interesting and varied:

*...we run an induction programme, managing your career, erm, what academic freedom means (3a).*

*My guess would be... that if you were interested in specifically academic freedom you would no doubt find staff development for academic practice type courses you could go on. You might well, have as part of your induction work on research in the University, which would include I suspect material on academic freedom but I am not sure (4a.)*

*...we completely overhauled the postgraduate certificate. I could categorically say we don't mention it. ...why would one mention it? (5a).*

*I think academic freedom is one of those things where you know, er, when it's not present, not that it is present (6a).*

*I'm afraid we don't have any formal um...er...induction processes just like that. Um, the sort of academic who comes here knows the rules of the game. You're here because you believe in independence (8a).*

*Not explicitly, no we wouldn't but we do have a very, erm, I think powerful induction programme for our staff which goes through the values of the university from first principle, where we come from, why we are here, what our university is about which, to blunt, is vocational, about employability...(9b).*

*...you pick it up from the community you are a part and therefore becomes part of the value set that just naturally occurred for me as being part of the institutional settings I was a part of (10b).*

The interviewees appear to be unclear on how academic freedom is inculcated in the university culture and its environment, and this was a common finding, throughout all the responses. It could be argued that this element may be more operational than strategic. However, given the unique positioning of a university, a Vice-Chancellor could be regarded as being accountable for ensuring that the academic framework, as detailed in the articles of governance of a university, is maintained. Further, formal induction and training in general is a management driven activity and this could indicate a potential reticence on the part of senior management to support the principle academic freedom.

Two specific aspects are of interest in the following comment: the recognition of rules that do not overly restrict and secondly, the consideration that there is no need to be specific and write the detail for the rules, which could be counter-productive. This latter element was also covered by other interviewees, at various stages within the interviews and without specific prompting:

*I think that respects come to a degree, of what I would call, academic maturity around things, where ...you probably don't need them written down... We all need occasionally rules and regulations to guide what we do, if one's not careful they can become restrictive rather than enabling... (3a).*

Such comments could be regarded as a form of impression management (Alvesson 2003), creating a picture of a liberal institution that a senior academic of a high-ranking university may want to engender. At the same time, it appears to be contrary to expectations of the neo-liberal approach and new managerialism, part of the fabric of universities today.

#### **4.5.ii: The academic as an employee: research, rigour and dissemination**

The management of the academic as an employee elicited several interesting responses. This part of the review will cover Vice-Chancellors considerations of the management of academics and what they regarded to be the practice of academic freedom. This provides a deeper understanding of their view of academic freedom that the two questions at the start of the interview did not capture.

For Vice Chancellor (3a) research and dissemination of information appears to be central to the notion of academic freedom and it is part of the role of the academic:

*...academic freedom doesn't mean you can decide or not whether you are going to publish, an integral part of doing research, which is in your contract of employment.... you are not publishing you are not doing the research pipeline as I call it. ...you can't use academic freedom as an excuse not to do it (3a).*

Vice-Chancellor (4a) also confirms this approach:

*The very fact that we are a university means that in my view we subscribe to academic freedom. I cannot conceive of a situation where you would say you can't do work of that kind (research). ...Well, I think you are right to do research and disseminate the findings. It's absolutely essential because making public the results of your enquiries is all part of the business of doing research. Indeed, I would go further and say that if you don't disseminate the findings I am not sure what research is (4a).*

The employment contract is recognised and the activity of research clearly relates to a performance output in the form of dissemination. It is also of interest that the relationship between a university and academic freedom is being acknowledged.

(7b) interviewee provided an interesting perspective regarding the choice and dissemination of research, and neatly summarised the link to funding as well as the rationale for this and so emphasised the business values focus of a university:

*...broadly academics do choose their area of research. Erm..., then they need to find institutions which have the disciplinary infrastructure to support them, pursue their studies effectively and then they need to find, to a greater or lesser extent, external financial resources, funders, who are interested in exploring those topics (7b).*

The Vice-Chancellor of a small university which has a very specific role within the English university sector considered that staff:

*...can do exactly what they want, I just wish more of them would choose more areas of research and would publish more. (8a)*

Vice-Chancellor (9b) sees the practice of academic freedom as having research as a central requirement and indicates that there is a level of freedom in choice:

*(sees academic freedom) ...through the lens of research. That's the way I would understand it and the freedom to explore, you know, in to, put forward knowledge... Which is unfettered by a third party unless of course you are working on a commercial project then, of course, it is commercially in confidence. But that's not against academic freedom because that is only part of what you are doing. It's been my own decision to buy in to it, nobody forced me to... If you flip it, basically, I have the academic freedom to choose to work on projects without academic freedom (9b).*

Interviewee (10b) referred to research, rigour and dissemination and considered the freedom but also recognised limitations in the form of boundaries as follows:

*...if it is a properly conducted piece of research ...then however, er, controversial, contentious, the outcomes might be, they need to be out there and what you are then doing, you are engaging others to express their academic freedom to demonstrate from their own research and their own work... That's one persons' freedom against another.  
...so somebody not knowing what they are talking about, but just holding a mad view and then expressing that and then when challenged, saying how dare you impinge upon my freedom to say this, I would not be particularly tolerant about because again academic freedom to me does not mean the freedom to make ill founded, ill-judged and ill researched comments on absolutely anything in the world ... (10b).*

Vice-Chancellor (11b) considered:

*...they can choose their research but if they want time allocation or money it's got to be something that's linked to what we do (11b).*

Much of the material is supportive of the literature where it is suggested that many of these activities lie at the heart of the role of a professional academic. Andreescu (2009), for example, argues that academics are paid to compile existing ideas, to redefine and critically examine them and develop new ideas. Shils (1991: 4) also suggests that an academic cannot teach controversial matters unless supported "...with evidence from his own research", and Finkin (1987, cited in Karran 2009) indicates that the long period of developing knowledge and expertise in a specific subject area provides the academic with the prerogative of academic freedom.

In this area of the conversational interviews there was a greater weight given to tensions that may arise from the practice of academic freedom. Limitations on the freedom to research were indicated by the respondents in several ways. The larger universities have resources for a wide range of disciplines; there appeared to be less of a dilemma in the research areas that staff could cover. (7b) commented that academics should find the universities whereby an academic's own research interests were met. Vice-Chancellor (11b) followed this same vein of discussion, whereby research had to be relevant and fit within the subjects for research set by the university, stressing that the university could not afford for an academic to research anything they wanted, contradicting the debate of both Thorens (2006) and Karran (2009) who considered that the onus was on the researchers to choose rather than the university making the choice for the academic. This is an important point emerging from the interviews. For many academics, including the liberal, Hayes, there is not only the belief that freedom covers that of discussion, but they can also research any area they choose. This is not the case. The business imperative is suggested, but also the academic perspective is an important one; it is difficult to be a lone researcher.

Vice-Chancellor (9b) also had an interesting statement to make in respect of third party involvement. Where another stakeholder might be funding research and this would not necessarily be unacceptable (all interviewees who commented in this area indicated that as long as boundaries were transparent for all parties, this is satisfactory), this

would not necessarily infringe an individual's academic freedom. Rather, it was within the individual's own academic freedom to decide whether to work on the research offered or not. Vice-Chancellor (10b) also commented that it was the individual academic's right to show that from their own research and their own work their own academic freedom to challenge another's research and work.

Another area of tension and limitation was whether a subject being researched or disseminated was contrary to the university values and ethical principles. At institution (3a), the Vice-Chancellor aligned the university as a research institution with its organisational values:

*.... we have some very strong values. If I had a colleague here who was doing research that was aggressively working against those values, erm, at an absolute minimum we would want to discuss that. Because there is something around the values of the institution that we make very clear to anyone that is coming to work with us which needs to pervade everything we do (3a).*

Vice-Chancellors of (4a), (6a), and (9b) were also strident in their views. The Vice-Chancellor of (11b) was particularly concerned about if there was a contentious furthering of debate relating to the example of ethnicity and race. He wanted to be convinced that the research had been methodologically sound, Vice-Chancellors (3a) and (4a) being more trusting of their academic employees.

Academics at traditional universities have had access, over the years, to research and support facilities due to funding and development of the institutions. Their work in systematic exploration *may* be more explicit and recognised by peers and within the academy than the work of contemporaries, who may be undertaking more teaching in newer universities. Here the foundations of the university may be different; funding may not be as generous, and academics may also be second and third career professionals whose strengths and experience lies in areas other than specific research. This also supports the work of authors including Aarrevaara (2010), Barendt (2010) and McInnis (2010). However, all interviewees were of the same voice in that it was the role of universities to question and test current knowledge and be prepared to disseminate this, even if unpopular. The focus was that of academic rigour and appropriate robust research to underpin the dissemination and discussion. Some of the interviewees did add that the research and dissemination should not contravene

the law or the values of the university. Alvesson's (2003) metaphor of the cultural script can be said to be relevant. Vice-Chancellors appear to share one script in this respect, across the sample of higher education institutions used within this study.

#### **4.5.iii: The academic as an employee, teaching**

A further aspect of questioning the freedom of academics was aligned to the Higher Education Act 2004 and concentrated on exploring admissions, marking and teaching:

*...we have as a national requirement from the QAA, learning outcomes, we have got agreed methods of assessment and marking criteria, every single university in the country is required to have those. ... (3a).*

*The areas where it is heavily constrained... is where institutes... accredit degree programmes, and if you don't have the accreditation, frankly you won't get the students coming to you... but the staff just work within it, it's a given. It's never questioned because if you don't have the accreditation there is no point in teaching the degree (3a).*

*...we have as a national requirement from the QAA, learning outcomes, we have got agreed methods of assessment and marking criteria, every single university in the country is required to have those. ...there is then a degree of flexibility, so for example what you teach in a 50-minute lecture is entirely up to the individual providing it delivers the teaching outcomes (6a).*

Vice-Chancellor (4a) on being asked the question appertaining to this area asked "Do all those things come under academic freedom?" Vice-Chancellor (11b) also made a similar comment. These comments are contrary to general understandings of academic freedom that should include teaching and interrelated issues and it is unclear what the intentions were of the respondents in their replies. It does seem to be implausible that a Vice-Chancellor would not recognise this aspect of dissemination, particularly with the academic backgrounds of both individuals.

Only a third of the interviewees considered that academic staff had potential freedom within the classroom itself, and generally the responses indicated the limitations imposed by other authorities. The Higher Education Act 2004 s32 (2) would appear to be no more than rhetoric rather than a reality. Any in-depth consideration of what is covered in the learning, teaching and assessment and the application criteria is driven, at a number of levels, by external constraints. Academic freedom is managed by the

university and, in this instance, in response to external bodies and authorities. Authors including O'Neill (2012:42) consider that in terms of accountability, academics still control 'significant aspects' of admissions, syllabus, examination and award. However, the story from the respondents was one of constraints imposed by other bodies, thereby placing a further set of limitations on academic freedom. The QAA was commented upon as setting standards by which programmes and courses would need to abide. Also noted was the role of professional bodies, indicating that universities have a high level of responsibility in ensuring that professionals of the future are educated, trained and developed. This reflected the ideals of universities throughout history and their activities in preparing people for the traditional professions of the church, medicine and the law, but also that the universities today continue to connect with the broadening range of professions and their professional bodies. These influence the curriculum, methods of teaching, teaching materials, assessment and awards made, as discussed in Chapter Two (section 2.4.i).

#### **4.5.iv: The academic as an employee, determining inappropriate practice**

In responding to the questions on external dissemination, the Vice-Chancellor (3a) drew upon the employment relationship as well as emphasising research and rigour and discussing limitations and consequences:

*...there is an issue about whistle blowing; you need to be careful these days... (Hypothetically, if) .... there was a member of staff who made a controversial comment about something, and our response..., was he was not making that comment on behalf of the university because that's not why we employ him (3a).*

*Yes, as long as they have engaged in systematic investigation and they are experts in their field that seems fine to me (4a).*

Interviewee (6a) discussed freedom of speech and how this can be a potential source of confusion for some, and a limitation on the practice of academic freedom. The implications of the effect of dissemination of information, not necessarily based on rigorous research, may have on the university as a business emerges as a consequence of inappropriate behaviours:

*...if the reputation of this university were to be damaged by a particular line of thought which was getting in to the media ...then I think there is a boundary*

*which, er, I think the university has an obligation, a commercial obligation to constrain that freedom of speech.*

*...they believe they have the right to say anything they like about anything they like, but the problem comes when they do that and describe themselves, if they formally describe themselves as being a member of staff of xxx University or even if informally they are associated with their role at xxx University, then they cannot do that (6a).*

Comments by (7b) acknowledged the status of the contract of employment:

*I don't think you would normally expect any organisation to allow... be favourably disposed, to someone who made critical or reveal confidential information or who otherwise, erm, brought the organisation's reputation in to disrepute. I don't see why universities would be any exception to that (7b).*

Vice-Chancellor (9a) was clear about how they viewed this area of information dissemination:

*....in a blunt way for any of our staff, that under some banner of academic freedom they could say things that deliberately, and are premeditated to put the university, to put your employer in negative, to portray it in a negative, damaging way is unacceptable. Again, that's not a value of the university (9b).*

The freedom to practice academic freedom was where the negativity associated with academic freedom came into prominence. Fish's (2014) school of 'exceptionalism' is at the centre of the discussion. The Vice-Chancellor group believed that the practices that constitute academic freedom must not be outside that of the law. Academics are employees.

When answering the initial question in the interview on academic freedom, the Vice-Chancellors used the term '*freedom*' more generously than later during the interview. It was in the later stages of the interview that the second set of themes and tensions were particularly highlighted. Limitations provide boundaries, which can be articulated as management-based boundaries. Additional comments included the following (these extracts are from a variety of respondents and have not been attributed to ensure anonymity):

*I don't think because you working the university gives you the right to sounding off on everything and anything.*

*...a wayward, academic freedom fighter.*

*I think an aspect of academic freedom, on occasions, is when those staff behave like that (inappropriately), myself and other colleagues bite their tongue accepting that is how they are behaving.*

*It is a small minority who usually have an ideological point of view who make a song and dance about this.*

*...there is something about (some) university folk... who seem to feel a high-level sense of entitlement, that somehow working for a university is a higher calling than any other activity that's undertaken by institutions in the UK, or indeed elsewhere, and I think inflated claims to academic freedom are one manifestation of that sense, of perhaps, misplaced entitlement.*

*...that staff may exercise 'under some banner of academic freedom', inappropriate freedoms.*

*I suppose for some institutional leaders' academic freedom may have become something of a tainted expression. I think a lot of people got a bit weary of that really and I think, it's actually, to some extent devalued the currency so it's probably called something else, because calling it that has been hijacked by people who have a different agenda.*

*I don't think anyone has the right to embarrass an institution by saying what they think. I think that's an abuse of freedom.*

*... (staff) motivated (by academic freedom argument) against change because it's an obvious device to stop things happening*

The interviewees viewed non-acceptable behaviours as a set of limitations on academic freedom, providing a view of what academic freedom *is not* rather than what it is. For the interviewees, the common theme relating to limitation beyond that of legal constraint was that of taking the organisation “*into disrepute*”, reflecting the AAUP statements of 1940 onwards. The respondent (5a) was particularly concerned about the behaviours of employees, how they portray their activities in relation to dissemination and the need to “*performance manage academics*”. As noted by Vice-Chancellor (4a), if the dissemination was effectively underpinned the senior management team, would be expected to be supportive of this. However, Vice-Chancellor (6a) considered that if dissemination did contravene a commercial enterprise, this may be a further limitation. Such comments confirm the embedded nature of the business perspective and the extent to which managerialism has taken hold in the last thirty years (Tight 2014). Again, the competing and contested perspectives of academic freedom are evidenced.

The Vice-Chancellor group were of the view that academics could not use the name of the university, or their status within the university as an academic, for disseminating knowledge and information not pertinent to their specific area of knowledge and expertise. The discussion here clearly overlapped into the idea of freedom of speech for some of the respondents, with comments including that not all academics understood academic freedom, (6a) and (7b). Liberals, including Hayes (2009) and Williams (2016), radicals, and the more moderate UCU supporters, would not share this view. There was no evidence of conflation of terms emerging from the interview respondents.

The respondents clearly thought that academics should not discuss, outside the university, the management and leadership of the university, employment related issues and issues of future development and activity, nor any matter regarded as confidential and sensitive. As one Vice-Chancellor commented, *“this would not be accepted by any other form of organisation”*. In the literature review, Barendt (2010), the lawyer, argues that academics can be disciplined by universities where academics bring the institution into disrepute by discussing matters on or beyond campus where the comments are not grounded in the academic’s area of expertise and specialism. He also refers to the argument of collegiality and indicates that an academic should not act offensively, or rudely, either in language or behaviour, given the academic is a professional and should act accordingly within the academic community.

In the broader discussion with the Vice-Chancellors, there was an indication that in some institutions there had been a limited number of cases that had warranted consideration of potential disciplinary actions. However, the respondents indicated that due care and attention was given to the arguments for and against this and the weighing up of risk to the institution in escalating procedures and outcomes. One new university Vice-Chancellor stated *“I would make a distinction between academic freedom and academic anarchy.”* However, authors including Karran, the academic, Hayes, the liberal and Williams the epistemologist would take issue with such a comment, holding a view that discussion and debate does not necessarily imply anarchy.

#### **4.5.v: Departmental perspectives and the individual academic**

The literature review indicated that academic freedom was most likely to be evidenced at departmental level. Whether Vice-Chancellors both were aware of and supported this was of relevance to the study. Waring (2013) suggests that middle managers and key heads of departments remained more aligned to the traditional values of the universities and the role of academics. This had apparently led to tensions between senior management and academic staff who appeared to be unable to engage with the new business agenda and were slow to change. However, throughout the literature review in Chapter Two, it has been commented how the academic member has had to change their knowledge and skill sets to satisfy the increasing institutional need to be regarded as customer focused, thereby setting limitations on the academic's role and asserting the lack of importance of their original knowledge and skill set. With teaching and research agendas changing, along with an increase in administrative and managerial based activities, and the aspect of professional development of the student body being particularly emphasised, the academic department could also be a focal point for the erosion of academic freedom.

It is suggested that the academic has become a diminished teacher; knowledge may be transferred but might not underpinned by research. There is little opportunity to have time to research, and a university framework is increasingly being used to ensure the highest levels of customer/student feedback, which takes time out of the academic's time. Tight (2014) suggests that traditional universities have been particularly affected by the business agenda and the managerialism approach. McInnis (2010) has also commented on second and third career employees becoming applied academics. This has further been exacerbated by the casualisation of the academic workforce with more associate and part time lecturers with teaching only responsibilities. Also, impacting upon academics and their academic freedom is the continued and increasing pressure to generate income from teaching and research, which means that staff are teaching, researching and assisting in commercial work that they have little knowledge of and little interest in. Waring (2013) posits therefore, that there are fewer academics, in the traditional sense, to argue the case for autonomy and freedom.

The question on induction and education, reviewed above, led the respondents to indicate that whilst there was no formal induction, new academics would be inculcated into the culture of the university and its values through the departments in which they worked.

Vice-Chancellor (6a) stated:

*...it is such a well embedded concept in the academe within higher education that it is taken as read that's one of the operating conditions that academic staff will have in their day to day research, scholarship and teaching.*

*.... I think that it is one of those presumptions about the culture of higher education; it is part of the culture, isn't it? Of course, a characteristic of culture is that often they are the unspoken (6a).*

On several occasions during the interviews, the Vice-Chancellors commented on the departments within the universities and how practice, support and day to day management of academic freedom, took place. However, they regarded that it was not their job to interfere or know the fine detail. This would only be necessary if there was an issue. Ramsden (1998), Knight and Trowler (2000) and Qualter and Willis (2012) indicate how vital the role of a Head of a Department is in developing the individual academic. The Vice-Chancellors appear to support this, or they consider that responsibility for this is at departmental level. The intangible nature of academic freedom continued through the discussions.

The question posed whether they believed academic freedom had greater significance in some departments than others and, why this might be, raised varied responses, and the second level themes and tensions were apparent.

*No, but I think it is more significant in some universities than it is in others (3a).*

*I suspect that the areas where there would be the most debate about academic freedom would tend to be in those areas which look at political and social dimensions of society (6a).*

*Only one of them cares. It's only the faculty of what we call xxx which is really (academic)... xxx is the professor there and he runs the department of xxx and that is a hotbed of liberals... they (other academics) are just ordinary: xxx, xxx, xxx, completely uninterested (8a.)*

*...course there will, there will be more departments who will be exercised by this as a concept and they will be the ones most politically motivated against change because it's an obvious device to stop things happening (9b).*

All interviewees considered that there were pockets of interested groups supporting academic freedom

*I think you find most of the people who raise this as being a problem come from a fairly narrow range of disciplines' (7b).*

This gives strength to the conclusion that academic freedom, as a matter for debate, discussion and naming, is limited. Some regarded that academics working in intense research environments, for example where animals are experimented upon (3a, 4a,) might be more involved in discussions and debates on academic freedom, whilst others considered academics in the areas including politics, religion, economics or law, might be more occupied. Overall, there appeared to be no overriding concern about these potential pockets of academic freedom supporters where it was believed they may exist. This may be because Vice-Chancellors could indicate that academic freedom was evidenced within their universities; alternatively, it could be interpreted that these groups 'could be managed'.

This final question relating to practice provided no clear response in terms of senior academic managers being knowledgeable about what was occurring in relation to their institution, other than 8a. It is also worthy of note that the main department interested in academic freedom could be regarded as being aligned to the liberal view of academic freedom. In the main, the interviewees' comments appeared to be based on supposition and their understanding of the drivers of certain disciplines. Vice-Chancellors (5a), (6a) and (9b) in particular, indicate that areas which might be focused on supporting academic freedom may be more difficult to manage, a negative stance having been adopted in many of their comments.

#### **4.6: How do Vice-Chancellors view academic freedom?**

Throughout this chapter, the responses discussed can be viewed as the considerations of how the sample Vice-Chancellor group regard academic freedom and how they use their level of influence to support, or not, what is a "sensitive, complicated and multi-dimensional concept" (Ren and Li 2013: 507). The interviewees

provided information on the raising of issues of academic freedom within the university structures, introducing and development of staff into the university environment, considering aspects of academic freedom, and reviewing what can be termed as 'inappropriate behaviours'. How they responded may be due to the interviewees wishing to portray a view of academic freedom, founded upon the business and political perspectives to satisfy a range of stakeholders. Overall, the picture emerging is that academic freedom is of limited importance and supporting Furedi (2016) who considering it to be a 'second order value'.

The focus of this area of questioning was gather their views on their own role as a senior academic manager, leader, and Vice-Chancellor, as a source of influence, particularly in the overseeing of the role of academic freedom within the university context.

In asking the interviewees if they saw themselves as leaders and how others viewed them, some interesting points were made:

*I think there is a group I interact with regularly and they would say yes, and there is a large group who would say I don't know. I think it is a characteristic of a large organisation (3a).*

*...You are (a business leader) but that's a distinction that post-92 universities tend to make hence the title being Vice-Chancellor and chief executive as opposed to the ways in which the two are rolled in to one in other universities. ...The Vice-Chancellor is often quoted as being responsible for the good order of the institution (4a).*

One Vice-Chancellor provided an amount of detail regarding the two roles perceived:

*I am a director of the University..., a company limited by guarantee, and I am a member of the governing council. ...As chief executive, that is how I discharge responsibilities to the University for the good conduct of the University, its financial sustainability and its ability to satisfy all obligations that are placed upon it through both the requirements of company house because we are a registered company and the ministry to which we are answerable.*

*I am also the VC, the VC symbolises the head of the academic institution and as VC I see my principle responsibility as the custodian of quality, standards and integrity, the academic work of the institution and just as the only person who is a director and member of the governing council cements the Chief Executive role, chairmanship of academic board cements the academic leadership role so I see symbolically that chairing academic board is the route*

*through which I ensure that there is integrity of discourse on the academic quality and standards, and the academic wellbeing of the institution is maintained (10b).*

The Vice-Chancellor from another new university (12b) commented:

*...inevitably, I have to be both. Certainly, we have to run the university as if it were a business... I still wanted to be recognised as an academic... I try to communicate that to my colleagues so that they see me as an academic (12b).*

All Vice-Chancellors saw their roles as being that of a leader, a leader of a business as well as the academy: the outcomes of the new managerialism approach of the 1980s and 1990s in evidence. Hambrick`s (1989) description of a `strategic leader` is confirmed in this instance, and the characteristics emphasised in Breakwell and Tytherleigh`s research (2008) become relevant. The Vice-Chancellor of 8a was more reticent in this area, considering the government funding of universities to be problematic:

*Oh, I have no doubt that a number of Vice-Chancellors see themselves as running businesses or see themselves as running branches of the civil service...*

Exploring in more depth their role as an academic leader and their level of influence in relation to academic freedom, this produced some interesting comments:

*I think they (staff) would (trust,) but I also think they would have every right to expect me to do that (support them). My expectations of working in the university is that the VC is there to defend the right of academics to engage in research, discussion, debate and there isn't going to be universal agreement on those topics. It wouldn't be a university if everybody agreed with everybody. (4a)*

The Vice-Chancellor of 6a considered:

*I am a very strong believer in, erm, what I would call ethical leadership. ...I think that at xxx there is a culture where academic freedom is presumed and it is presumed that as Vice-Chancellor I am very supportive of that notion.*

*...but I do think that ultimately one of the things that falls to Vice-Chancellors is to be the ultimate arbiter in particular institution of where some of those boundaries sit. Erm, and that's both a huge responsibility and a huge privilege but I think in the end, probably, you know, if I deem it, if I deem somebody's actions to be outside academic freedom then it is!*

Again, the intangible aspect of academic freedom emerges, but it is the senior academic, the Vice-Chancellor, who can establish what is, and what is not, academic freedom. This provides a further articulation that academic freedom sits within the set of limitations, and here the role of the academic leader becomes clear in this context. The importance of academic freedom as a recognised element of being a university and falling within the remit of the role for the university leader is also commented upon by the post-1992 university representatives:

*I hope that I would always encourage academic freedom; I would hope that the way I conduct academic affairs in academic board and set a direction for other aspects of the university would give people the confidence. (10b)*

Alvesson's metaphors of self-identity, impression management, political activity, and construction work are all in evidence. However, academic voice given through the academics sitting within senate and the role they could play in this deliberation of what may be regarded as academic freedom, is not considered as part of the responses by the Vice-Chancellors. This gives further support to the contention that debate and discussion on academic freedom is not to be encouraged and that traditional forms of collegiality are no longer considered appropriate. The voice of the collective academic is of little importance. Academics are viewed as employees and senior management, or the senior leader in the form of the Vice-Chancellor makes the final decision on what constitutes academic freedom without necessarily consulting other academics.

One leader was wary of being regarded as a champion of academic freedom:

*...erm, as a champion? As a..., certainly as a, defender and supporter, but as a champion? ..... I think it is already understood, it's known out there*  
(Redacted due to potential sensitivity)

The interviewee is politically sensitive and may be considering how the interviewer may use the information gained. The use of the term 'champion' had triggered a negative response but, it can also be regarded as aligning with elements of conflict and disapproval that has already been commented upon within the chapter.

The senior academic leader (5a) continued the theme of the specific conversation and considered that academics did in fact have recourse to freedom to undertake that which was systematically aligned and agreed between manager and academic, to the needs of the university both as a business and as a knowledge creator. All interviewees considered that not all academics carried out their privileged role in a responsible manner; this led to a possibly negative level of employee behaviour and here the university values come to the fore:

*...the challenge for senior leadership, it's not about academic autonomy, it's actually about managing under performance....*

This is further developed in the conversation with the Vice-Chancellor of a new university but from a much broader viewpoint:

*...the people for academic freedom are always wanting, in my terms, have a pop at policy, at politicians, people like me. If they do it in generic terms well fine, everyone's got a right to do that, but if they start to have specific criticisms of individuals or their own institutions then I think they have stepped beyond the pale (Redacted due to potential sensitivity)*

From a different perspective, another interesting way of looking at academic freedom and what is happening in universities came from the comment:

*...we are employing people as lecturers who come from professional services, and of course to them it is a very odd concept, academic freedom. And where you will find tensions arising will be in places like business schools in particular. By and large over half of our staff are practice based, so you know for us our student experience is great, you know, but then of course that is where the cultures will rub up. You know, you will have people who done the PhD route who might well have a different theoretical view of business, and so steeped in academic freedom (9b).*

This comment compliments the work of McInnis (2010) discussed earlier, and the different academic staff members of universities. Additionally, how these staff may view academic freedom is of interest, recognising that Vice-Chancellors need to be aware of the level of diversity in the understanding of academic freedom and why this might have come about.

An area commented upon by Vice-Chancellor (8a) but not by any other interviewees is:

*I don't think (society) fully understands what universities are there for. And we've never said to, or proven to, the outside world that academic freedom is important (8a).*

This comment was made in relation to the question on leadership. The Vice-Chancellor was suggesting that the more 'successful' universities, particularly in terms of the traditional values of research, academic integrity and supporting academic freedom, have been led by 'strong' Vice-Chancellors.

Finally, an important area of consideration that was not explicitly explored with each of the interviewees due to its sensitivity, but came up in some of the conversations, was that of research funding. The perspective of being a 'disinterested party' is of significance to academic freedom, and universities are increasingly seeking funding from a variety of sources. Those interviewees who commented on accepting funding from organisations that may wish to ensure that detail of the research and its outcomes were not made public, five in total, did appear to share the same perspective. They accepted that organisations do approach universities with such requests; however, the message was that the integrity and standards of the university remained intact. Money was not a motivator. Rather, it would be the case that should certain contracts be accepted, these would contain a caveat for later release of the knowledge of the learning gained, i.e., the process and the results (e.g. (4a), and (9b)), but not the details of the contract itself. That staff involved in such research would deepen and strengthen their knowledge base for further research in disciplinary areas was an area of consideration. Also noted was that not all externally based organisations believed it was necessary to place a ban on the dissemination of the work. Organisations were proud and wanted the research and scholarly base that universities had to offer and to align their name with the university (7b).

#### **4.7: Summary**

This chapter has examined the data collated from the website search of the purposeful sample of a representative cross section of English universities used for this study and the interviews of Vice-Chancellors and one Pro-Vice-Chancellor. Fifty per cent of the interview sample was taken from traditional pre-1992 universities and fifty per cent was taken from new post-1992 establishments.

A fact-finding exercise reviewing university websites was undertaken including the University of Oxford, the University of Cambridge and BPP University, representing universities, that some would consider would have a different perspective of academic freedom. The research design was based on a qualitative perspective. It is difficult to present accounts from websites created for purposes that do not necessarily include a researcher attempting to gain information on academic freedom. Nor is it easy to get to the heart of the meaning intended by interviewees when discussing an area that is contested and possibly vexatious for the some of the respondents.

A thematic analysis was undertaken and data was presented in the form of frequency counting, of words and terms, also reproducing material taken from the websites, where considered relevant, to enhance understanding or depth. The themes were autonomy and freedom, research, academic rigour, dissemination of information, and consequences. It was found that the term academic freedom did not feature to any extent. However, specific practices relating to all the themes categorised for this study emerged, particularly the latter four.

The interviews were undertaken to gain a deeper level of knowledge of academic freedom within universities and how it was supported and demonstrated as perceived by a sample of Vice-Chancellors. The first two questions established the parameters of the further conversation that followed, the structure of which had been created as a semi-structured conversational interview checklist, based on the literature review. A frequency analysis of words and terms was undertaken for the initial stages of the interview. In discussing the remainder of the interview responses, a greater level of narrative has been reproduced in this Chapter. The interviews were analysed and discussed using nine named themes, thereby adding those of importance, limitation, values and intangibles, and relating pertinent aspects to published literature and research. A level of reflexivity was acknowledged, recognising the preferences of the interviewer and the interviewees and how these might influence the development of the research and the interpretation and evaluation of it. Overall, it was considered that it was it was apposite to regard the interviewees had been truthful and honest in their responses. The conclusion of the research findings and analysis indicates there is a hesitancy exhibited by most respondents in supporting the phrase and the concept of term academic freedom.

In reviewing the conversations and analysing them it became apparent that the Vice-Chancellors' views on academic freedom were conservative and cautious. They emphasised rigorous research, scholarly and expert activity and dissemination. Academic freedom included the questioning and testing of knowledge, even if the result was unpopular. However, two Vice-Chancellors did suggest that should this contravene the 'values' of the university then further consideration had to be given to the issue. Academic freedom created a range of consequences, and some of these can be seen in the negative and aligned to a range of limitations. These included a clear connection with inappropriate employee-based behaviours, overlapping into the areas of freedom of speech and putting the organisation into disrepute, thus providing evidence of the embedded nature of 'new managerialism'. The website and interviewee data indicates that the term academic freedom is infrequently used, suggesting that it might be contentious, or at the very least considered to be outdated. This appears to be deliberate. It is not named specifically in vision, mission or values statements, and the interview responses, indicating the intangible nature of the concept, supports this notion. The management of academic freedom is undertaken through university values, and at departmental level. Collective and more formal management is handled through the university governance activities, particularly those of the governing council and, where and when necessary, control is taken by the Vice-Chancellor in the form of final intercession.

The findings and analysis presented in this chapter provide the detail required to finalise the discussion of this study. Chapter Five will discuss and conclude the findings of this research into how Vice-Chancellors view academic freedom. A 'Vice-Chancellor version of academic freedom', will be presented that is derived from the data and information gathered and used within this thesis. A set of recommendations for the future of academic freedom will also be included. These will provide a basis for the management and practice of academic freedom in English universities, led by Vice-Chancellors as university leaders and as self-announced arbiters.

## **Chapter Five: Discussion, conclusions and recommendations**

The argument of this thesis is that there exist various descriptions and interpretations of academic freedom because, in the literature and in practice, it is a contested concept. Consequently, the leadership and management of academic freedom can be challenging for Vice-Chancellors as heads of universities, where academic freedom can be regarded as being a fundamental feature of the very existence of universities themselves. Most importantly, this research indicates that there is a reticence on behalf of Vice-Chancellors to identify and acknowledge the current role of academic freedom in the academy.

### **5.1: Key points emerging from the research**

#### **How is academic freedom understood and managed by Vice-Chancellors of English universities in the early Twenty-First Century?**

A set of subsidiary questions was created to answer the research question and formed a framework for the study (see 1.2). This exploration of university Vice-Chancellor views on academic freedom, in the middle of the second decade of the Twenty-First Century, has been undertaken using qualitative research methods and tools.

This chapter provides an overview of the competing and contested perspectives of academic freedom, and presents the Vice-Chancellors' version of 'academic freedom'; conclusions are drawn and recommendations for the management of academic freedom are considered.

#### **5.1.i: The competing and contested perspectives academic freedom**

Academic freedom is regarded by some academics as being a vital element of 'being' a university. The authors of the five versions of academic freedom, referred to in Chapters One, Two and Four of this thesis; Fish (2014), Barendt (2010), Karran (2009), Hayes (2009), and Williams (2016), regard academic freedom as an important element of the role of a university. Each viewpoint provides a different narrative on academic freedom, these are by no means exhaustive and others could be considered. These representations, for this study, have been labelled as: professional, legal, academic, liberal and epistemological. These divergent views, and other versions of academic freedom that other academics espouse, provide the basis for recognising that academic freedom is a contested subject.

There is no one definition of academic freedom. Authors and commentators on the subject will use a variety of perspectives on academic freedom, historical and contemporary, as a foundation for their considerations. Fish, in his work of 2014, recognised five schools of thought on academic freedom, and the arguments and concepts within these commonly appear in debates and articles throughout the academy. He labelled these differently to other authors and created a high level of debate within the academic community at the time of his 2014 book being published. These schools he summarised as: 'it's just a job', 'for the common good', 'academic exceptionalism' 'professionalism v critique', and, 'virtue before professionalism'. These five schools shift the debate on academic freedom from the managerial and business perspectives, adopted increasingly by universities, through to the liberal considerations of freedom and into philosophical and political contexts that affect society overall. Recognised authors within these 'schools' present a broad range of arguments in defence of academic freedom.

There are also numerous other contributors to the debate on academic freedom and these include a range of agencies; examples of these are the influential American Association of University Professors (AAUP) in the United States, the United Nations Organization for Education, Science and Culture (UNESCO) and, the University and College Union (UCU), the Council for Academic Freedom and Academic Standards (CAFAS) and, Academics for Academic Freedom (AFAF), in the United Kingdom. In the UK, governmental activity is also recognised through the changes in higher education, particularly since the 1980s and continuing, in the form of the publication of the legal 'definition', the Hillhead Amendment, to the Education Reform Act in 1998 which is often quoted and discussed by commentators and authors on academic freedom.

Recognising that there is a broad range of versions of academic freedom, many of which are familiar within the general debate on academic freedom, reveals why there is a difficulty in exercising, managing and operationalising such a complex concept.

This variety of interpretations of academic freedom has implications for how people understand the term. The public have little, if any, knowledge of academic freedom, governments appear to ignore it when reviewing and determining the future of higher education in universities, various bodies including the media appear to conflate the

concept with others. This lack of clarity is also in evidence within the academy. On a day to day basis an academic's understanding of academic freedom may not be regarded as being contrary to their work or the work of the university, even though their understanding of academic freedom may be different to that of another colleague. With so many academic disciplines covered within a university environment, it would be difficult to consider that every individual academic will have the same conceptual construction of knowledge and methodology (Jacobs 2013). If the principle is difficult to define, the practice is also difficult to specify and the management of it can be even more problematic. Williams (2016) considers that university management seek conformity in their academic staff, and uses the example of university 'values' statements to assist in inculcating this. However, she recognises that some staff may vary in their support of academic freedom and others may have distinct levels of concerns. Different members of academic staff will have different approaches and levels of understanding of academic freedom and how important it may be to the work they are undertaking within a university environment.

The element of freedom is an important feature of the term and of the concept. What may be regarded as freedom by some is not the same as freedom is defined by others. Freedom necessitates the need for boundaries but how far these should be defined is challenging, particularly in a context of knowledge creation and development. Theissen (2001: 85) argued that "Freedom is only possible in the context of what restricts freedom". Barendt (2010) discusses the 'Two Concepts of Liberty' as outlined by Berlin (1969), and refers to the negative and positive freedoms that are relevant to academic freedom in universities. That interpretations of freedom vary is problematic. Freedom, for some, implies that anyone can say or research anything they want. However, this research indicates that some Vice-Chancellors would consider this an "anarchic position". This perception is a significant factor in how Vice-Chancellors understand and attempt to manage the concept through the governance of academic freedom as a positive freedom and in seeking to maintain the balance of individual negative freedom.

The conflation of a variety of associated ideas leads to further confusion and disagreement regarding academic freedom. One of the areas of difference is whether academic freedom includes freedom of speech. For some, including Hayes (2009), Williams (2016), UCU and AFAF, it does, although there is a matter of degree indicated

by UCU. Others, such as Post (2009), Barendt (2010), Fish (2014), do not agree and see academic freedom as separate. Other commentators also cover freedom of expression and freedom of information under the name of academic freedom, the Universities UK 2011 publication being an example. This conflation is also carried out by universities themselves, particularly in writing their policies on academic freedom, as found in the review of a variety of university websites undertaken for this study. Yet, the Vice-Chancellors were emphatic when interviewed, academic freedom and freedom of speech were not the same.

This confusion of terms is also evident in other aspects of the debate on academic freedom; an example of this is in relation to 'dissemination'. This can mean the dissemination of rigorously researched material through the medium of debate and discussion within the academy. Alternatively, it can mean dissemination of knowledge in a university through teaching. On the other hand, some academics may take the term dissemination to imply discussion outside the university environment, including how the university acts as an employer. Or, that the academic can disseminate information that has not been rigorously scrutinised is not their own work, nor is it part of the academic work of the disseminating individual. In doing so, Fish (2014), the academic, identifies such academics as assuming an inappropriate 'divine right'. This lack of clarity and disagreement around specific words and associated forms and definitions, indicates the difficulty in attempting to manage and provide parameters on academic freedom.

The contested nature of academic freedom suggests that any attempt to have a shared definition of academic freedom is unfeasible. Whilst there is an acknowledgement that with freedom comes responsibilities and restrictions, the nature of a university and its role, as a creator and disseminator of knowledge, would insinuate that these restrictions are limited to allow for diversity of opinion to counter Williams' (2016) argument that a climate of conformity within the academy leads to a stifling of a search for knowledge.

## **5.2: How is academic freedom managed and practised within a university? The 'Vice-Chancellors' version of academic freedom'.**

At a time when a group of scholars argue that academic freedom 'doesn't really exist' (Reisz 2013) or it has become a 'second order' value (Furedi 2016: 124), what might

be labelled as the 'Vice-Chancellors' version of academic freedom' is an important contribution to the contemporary debate. To illustrate the version of academic freedom derived from this research, ten 'propositions' have been abstracted from essential statements, assertions and judgements made by Vice-Chancellors.

These propositions may not be representative of all the Vice-Chancellors' views but, taken as a whole, they evidence the current contested nature of academic freedom and how it is represented in universities. Each of the propositions has been extrapolated by the researcher following the analysis and evaluation of the interviews. Thematic characteristics established for this study have assisted in the development of these, and consideration has been given to the personal preferences and experiences of the interviewer and interviewee. They provide a basis for further review on how Vice-Chancellors might consider their leadership and management of academic freedom in today's current climate, where the 'threat' to academic freedom continues to be articulated, particularly in the environment of the 'safe spaces', 'no platform', 'trigger warnings', freedom of speech debates and the introduction of the *Counter-Terrorism and Security Act 2015* (Hudson and Williams 2016).

The first proposition considers what academic freedom means to Vice-Chancellors. This provides the background against which their comments can be evaluated and interpreted. A further eight propositions are divided into the categories of management and practice. The management section covers aspects of strategic management recognising that this has an impact on departmental management and the management of the individual academic. The practice section considers academic freedom at departmental and individual level. A fourth category contains a single assertion (Proposition10) that summarises the views of the Vice-Chancellors on academic freedom in English universities at a specific time of change in higher education.

## **5.2. i: The competing and contested perspectives of academic freedom**

### **Proposition 1. Academic freedom should not be defined**

The Vice-Chancellors considered that to define academic freedom is problematic. The interviewees however, did provide a series of indicators that embrace a summary of what academic freedom means to them.

At the start of the interviews, the Vice-Chancellors were asked 'What is a university?' and 'What is academic freedom?' These two questions were regarded as 'scene setters', and provided an illustration of what Vice-Chancellors understood by the term 'academic freedom', which was developed during the remainder of the interview:

*"Academic freedom comes with being a member of the university..." (4a); "freedom for individual" (6a); "...freedom to explore..." (9b); "Academic freedom is certainly freedom of enquiry we (as a university) must support... defend what is at the core about what a university must be..." (12b).*

Despite the many versions of academic freedom, certain words and inferences reappeared when reviewing the transcripts of the interviews and these were central to the thematic analysis undertaken; examples include:

*"...research and disseminate the findings" (4a); "intellectual capability" (5a); "scholarship" (6a, 8a); "studying in their particular topic and area of expertise" (7b); "rigorously supportable" (11b).*

They placed their considerations within the boundaries of working within the law, if passively, regarding the statement of academic freedom in the Hillhead Amendment (1988) which appears in all Articles and Instruments of Association/Governance and included phrases such as *"...without losing their job" (8a), "without any fear or favour" (10b).*

The aspects emerging were those of research, academic rigour, dissemination and consequences. As the interviews continued, it also became evident that the Vice-Chancellors placed limitations on behaviours and practices associated with academic freedom. These did impact upon possible job loss and could be regarded as being contrary to the Hillhead Amendment. Academic freedom, whilst articulated to an extent in different ways by the Vice-Chancellors, they did appear to have a shared understanding of academic freedom. They also regarded themselves to be supportive of academic freedom:

*"...there is a culture where academic freedom is presumed and it is presumed that as Vice-Chancellor I am supportive of that notion" (6a); "I hope that I would always encourage academic freedom" (10b).*

The Vice-Chancellors appeared to be articulating two perspectives of academic freedom, founded on opposing ideologies. One being philosophical, the other based on a set of rules and regulations created in response to the agenda of 'new managerialism' in universities from the 1980s onwards. Overall, the view expressed

is that professional perspective, recognised by Fish (2014), which helps support the business focus of the university. This approach was shared by Vice-Chancellors of both traditional and new universities.

One Vice-Chancellor considered that academic freedom was related to “*academic maturity*” (4a) and with this there was no need to detail what academic freedom was:

*“...we all need occasionally, rules and regulations to guide what we do, if one’s not careful they can become restrictive rather than enabling” (4a).*

Similar views were summarised by other interviewees. This may reflect the fact that Vice-Chancellors do recognise the multifaceted views held by academics on academic freedom. They also, as academics, may want to maintain a level of flexibility and provide approval for its varying forms whilst recognising requirements of managerialism. If Vice-Chancellors are put into the position of having to define academic freedom explicitly, this could lead to further restrictions on academic freedom, and internal conflict, which could detract and diminish academic freedom.

## **5.2.ii: The management of academic freedom in universities**

### **Proposition 2. Academic freedom is not a direct topic for discussion or debate**

Recognition of the lack of discussion and debate concerning academic freedom arose from reviewing the governance structures of the university. The interviewees all stated that there had been no, or little, discussion in senate (or academic board) on academic freedom, nor had it been discussed at governing council:

*“It hasn’t in Council; we have never had an item on Senate agenda...” (3a), “I can’t remember academic freedom being an issue... (6a), “Not in my time...” (9b and 11b).*

Academic freedom, it was stated, is only addressed when an issue might arise. The Vice-Chancellors considered this lack of discussion to being an aspect of academic freedom itself, something which is difficult to define:

*“... one doesn’t feel the need to explain it” “... (if we) ...triggered a bit debate about academic freedom.... it would be quite counterproductive.”, “...I wouldn’t have the debate about academic freedom.” (6a).*

The Vice-Chancellors did not seem to have any concerns that such an approach raises issues relating to the traditional values underpinning academic freedom in the contradiction of the freedom to question and raise new and controversial ideas, as

highlighted in the Hillhead Amendment (1988), collegiality, academic voice and opportunities for academics to have any say in university affairs.

**Proposition 3. Academic freedom only becomes an issue when Vice-Chancellors intervene**

Vice-Chancellors are leaders of their university and, as academic leaders, believed they had overall responsibility for academic freedom. All recognised that universities were businesses and providers of higher education. For some there was a separation to be made between the two:

*“...they are interlinked but the kind of intellectual challenge is making sure I know which hat I am wearing when I am part of which discourse” (10b); “The Vice-Chancellor is often quoted as being responsible for the good order of the institution” (4a).*

It was evident that Vice-Chancellors became actively involved in academic freedom only occasionally. This was generally when there had been negative exposure to the media, or the status of the university was being threatened in a way that was potentially damaging to the university.

*... (it) falls to Vice-Chancellors is to be the ultimate arbiter ...of where some of those boundaries sit. ...that’s both a huge responsibility and a huge privilege. ...if I deem somebody’s actions to be outside academic freedom, then it is! (6a).*

These instances, according to the Vice-Chancellors, were often related to an academic’s contract of employment and whether the academic had the right to disseminate information that was regarded as being sensitive to the university. Over fifty per cent of the Vice-Chancellors alluded to this type of scenario however, details were not forthcoming for use in this research. It was not clear during the interviews that if Vice-Chancellors had to make any decisions or arbitrate on academic freedom when any positive impact was arising from it, thereby further supporting the negative connotation of the term ‘academic freedom’.

**Proposition 4. Academic freedom is no longer regarded as being at the heart of a university**

The publicly available university websites reviewed during the time of collecting data for this study (2013-2014), did not show the term academic freedom being used other than on an extremely limited basis, these being mainly in the Articles and Instruments of Association and Governance. Vision, mission and values statements of universities were based on the growing acknowledgement of universities acting as businesses.

Of the thirteen university websites explored at the time, only one used the term in its vision statement. Comments from interviews included:

*“We don’t exist for academic freedom” (7b); “You wouldn’t find it in the documents” (12b).*

Another interviewee, when asked about induction and educating new staff into the university, stated: *“I could categorically say we don’t mention it... why would one mention it?” (5a).*

However, Vice-Chancellors did not dismiss academic freedom: *“The very fact that we are a university means, that in my view, we subscribe to academic freedom.” (4a).*

However, academic freedom was often discussed in the abstract. It was regarded as:

*“... part of the culture” (6a), “it’s like the air” (9b); “...it is so fundamentally a given...” (10b); “It’s not presented in any of this. It’s absolutely implicit ... It’s absolutely tacit...” (8a).*

The lack of recognition and presentation of the term ‘academic freedom’ suggests a wariness of the principle. That the term may be an issue is an interesting one, and the following comment reveals a level of caution on the part of Vice-Chancellors:

*I suppose for some institutional leaders, academic freedom may have become something of a tainted expression... so it’s probably called something else, because calling that has been hijacked by people who have a different agenda. (7b)*

The implication is that aspects of the arguments of exceptionalism, liberalism and the radical revolutionary focus have the potential to be damaging for the university and the academy. The Vice-Chancellor group was quite clear that they did not want the term to be defined *“...why would you mandate for it?” (9b).* To recognise academic freedom in abstract terms does nothing to eradicate the seeming disapproval of academic freedom as a fundamental element of the function and existence of a university. Yet, there is a belief that it should and does exist.

### **Proposition 5. Academic freedom has vanished into the institutional structures of universities**

Two Vice Chancellors indicated that academic freedom was related to the values of their universities, yet the term ‘academic freedom’ was not used in these when the statements were reviewed using the website Universities Articles and Instruments of

Association or Governance show academic freedom as part of the legal requirement directly aligned to the Hillhead Amendment (1988):

*“I think the only place you would find it would be in the Instruments of Governance. I don’t think we have felt the need to do anything else.” (11b).*

There is, however, evidence of challenges to the disappearance of the term academic freedom, an example being that of a Faculty Board, in 1999, which rejected a proposed re-drafting of the university mission statement to replace academic freedom with ‘excellence in managing the University’s resources’, which is a different area of concern. However, the university’s mission statement by 2014 did not refer to academic freedom.

### **Proposition 6. Academic freedom is not the same as freedom of speech**

None of the interviewees regarded academic freedom and freedom of speech to be the same, although in discussion, there was a direct association to the employment contract and inappropriate employee behaviours:

*“I don’t think anyone has the right to embarrass an institution by saying what they think. I think that’s an abuse of freedom” (7b); “Academic freedom to me does not mean the freedom to make ill-founded, ill-judged and ill-researched comments on absolutely anything in the world” (10b).*

However, academic freedom and freedom of speech were conflated in the Articles and Instruments of Governance on the relevant university websites.

### **Proposition 7. Academic freedom is a concept invoked by ‘troublemakers’**

The word ‘troublemakers’ is used because it was a term mentioned specifically by one of the interviewees. The notion that academic freedom is controversial was alluded to by all interviewees. Comments demonstrated the role of the contract of employment in the relationship between the academic and the university. This also relates to the discussion and conflation relating to academic freedom and freedom of speech. The quotations have not been attributed in this instance to maintain anonymity. One university Vice-Chancellor stated:

*. ...I think inflated claims to academic freedom are one manifestation of that sense, or perhaps, misplaced entitlement.*

Other comments include:

*“It is a small minority ...who make a song and dance about this”. “...staff may exercise ‘under some banner of academic freedom’ inappropriate freedoms”, “...a wayward, academic freedom fighter.”*

It appears that supporting academic freedom can be a diversion for a university trying to achieve its mission and strategic goals. It can also be a focus for the argument of exceptionalism against that of managerialism. One Vice-Chancellor stated:

*... (staff) are motivated [by the academic freedom argument] and use it against change because it is an obvious device to stop things happening.*

### **5.2.iii: The practice of academic freedom in universities**

The practice of academic freedom is highly integrated with the management of academic freedom. Aspects of strategic management that impact on operational management have already been discussed.

#### **Proposition 8. Academic freedom is an issue for departmental managers to manage**

Vice-Chancellors could not give the particulars of practice and operational elements of the management of academic freedom. They did, however, consider that departmental level was an important site of activity for academic freedom to be evidenced. Several interviewees referred to their own backgrounds as academics at departmental level to provide some detail. It is thought that at this level that academics learn about academic freedom: *“...you pick it up from the community you are part of...” (10b).*

The Vice-Chancellors’ understanding of the practice of academic freedom tended to be discussed in relation to their understanding of the *principle* of academic freedom, associating this with the role of the academic, research, freedom of enquiry and dissemination, providing:

*“...the space that they can do things they like” (3a); “...look at, debate and discuss difficult issues” (3a); “...academic staff will have in their day to day research, scholarship and teaching” (6a); These activities were part of “...your contract of employment” (3a).*

Academic freedom was an aspect of departmental practice, particularly in the more traditional pre-1992 universities, where academic freedom was viewed as being based

on rigorous scholarly activity and research. The sciences were discussed as one example of a department.

However, some Vice-Chancellors indicated that if academic freedom was being exercised within a departmental discipline, there may be negative political consequences:

*“... where there would be the most debate about academic freedom would tend to be in those areas which look at political and social dimensions of society” (6a); “...there will be more departments who will be exercised by this as a concept and they will be the ones most politically motivated against change” (9b).*

No Vice-Chancellor could confirm that the practice of academic freedom was being audited or reviewed, either annually or across any other specific timescale, departmentally or across the university.

### **Proposition 9. Academic freedom is relevant to research but not to teaching**

There was a strong emphasis on research, rigour and dissemination throughout the interviews with all Vice-Chancellors. Academic freedom was seen:

*“...through the lens of research... and the freedom to explore... to put forward knowledge” (9b); “...if it is a properly conducted piece of research” (10b).*

University Vice-Chancellors were generally indifferent to teaching being an element of academic freedom, *“Do all these things come under academic freedom?” (4a)*. Teaching is regarded as part of the role of an academic and this provides an opportunity to disseminate research and knowledge in the classroom. Vice-Chancellors considered that the area of teaching, marking and admissions was highly regulated by professional bodies, *“...if you don’t have the accreditation frankly, you won’t get the students coming to you” (3a)* and the Quality Assurance Association (QAA). Additionally, as one Vice-Chancellor commented *“...there may be external professional constraints... there is the second constraint, which is a legal constraint.” (6a)*. Limitations on dissemination activities were in evidence.

Whilst teaching is an important element of what a university does, it appeared to carry a lesser cachet to that of research dissemination and discussion with peers both within the academy as well as society in general. This could be because Vice-Chancellors see a level of strategic importance being attributed to their universities driven by a

rigorous research agenda and as a response to the Research Exercise Framework (REF). This may change with the introduction of the Teaching Excellence Framework (TEF) in 2017.

#### **5.2.iv: Summary of the Vice-Chancellors' version of Academic Freedom: How Vice-Chancellors understand and manage academic freedom**

##### **Proposition 10. Academic freedom exists at the discretion of the Vice-Chancellor**

Vice-Chancellors devolve the day to day management of academic freedom to their departmental line managers. It is here that the Vice-Chancellors' understanding of academic freedom, based on rigorous and "*properly conducted... research*" (10b) and dissemination, undertaken through a variety of means, is practised. It is at departmental level where "*freedom for enquiry...*" (12b) and the "*...respect the right of academics to work on areas, unfettered by interference from any form of external management... freedom to explore...*" (9b), takes place. There is no review or audit undertaken on academic freedom. This implies that academic freedom is evidenced by the work produced by the academics and their departments. Academic freedom may exist and be recognised at departmental level when developing and undertaking research, ensuring academic rigour in peer and public dissemination and in teaching, but it does not appear to be named or recognised.

Departmental managers are assisted and directed in their role by the university and its policies and procedures. There is very little detail provided in terms of what academic freedom is, this is indicated in the main governance directives and human resource related policies. Academic freedom appears to be recognised in the negative in these documents, suggesting that the positive emphasis does not exist. Academic freedom, what it is and how it is defined, is part of the responsibility of the university management function, driven by governing council and supported by lay members and specific professional functions, and the Vice-Chancellor is regarded as the senior academic within it. The senate, or academic board, have little influence in defining academic freedom or managing it.

Vice-Chancellors consider that they overall responsibility and accountability for the management and practice of academic freedom within their university. There is an acceptance of academic freedom, and those who were interviewed appear to have a

shared view of it. There is little doubt that this view corresponds with conservative approaches. However, it does not fit directly any of the approaches highlighted by the five authors used in this study, nor the statements made by various influential academic bodies.

Vice-Chancellors believe there is no need to define academic freedom within the academy. The Vice-Chancellor defines academic freedom and what the limitations are. The status quo is that academic freedom is left vague. This enables academic freedom to exist, in its diverse forms, within the university. As long as there is no adverse effect from the exercise of academic freedom directly on the university, various forms of freedoms can continue. Different universities and different departments consequently have different versions of academic freedom being practised and managed.

### **5.3: Conclusions and recommendations on the management of academic freedom in universities**

This final section will cover the conclusions drawn from the research undertaken and propose an alternative approach to managing academic freedom. Four recommendations, that aim to raise the profile of academic freedom in English universities, are offered. A final comment on the role of Vice-Chancellors in recognising and leading the complex concept of academic freedom for the future ends this thesis.

#### **5.3.i: Academic freedom has been neglected by Vice-Chancellors**

Vice-Chancellors increasingly are regarded as the embodiment of the university. They are the principal academic leader as well as the leader of the university as a business. Reviewing publicly available university websites and evidence gained from the one-to-one conversational semi-structured interviews suggests that Vice-Chancellors have neglected the need to pro-actively support and champion academic freedom, despite their protestations of defence. They are proud to lead a university that recognises the importance of research, intellectual rigour and appropriate dissemination of knowledge, all elements that are underpinned by principles of academic freedom, but do not articulate this as academic freedom, nor do they wish to define it. Vision, mission and values statements of universities do not use the term. Vice-Chancellors only react to specific situations. It is managed on a basis of

exception. This may be a considered approach and can be viewed from at least two perspectives. The first of these is that of allowing academic freedom to decline and become subsumed into the fabric of the `business` of being a university; this approach is articulated by many authors and commentators currently. The other is that Vice-Chancellors, as academics, are aware that academic freedom is regarded as being threatened. To ensure its continuation, it has been relegated to academic departments. Vice-Chancellors, effectively ensure academic freedom has a low profile, but when called upon to arbitrate on contentious issues, they do so, aiming to maintain the status quo.

### **5.3.ii: An alternative approach to managing academic freedom**

This study of how Vice-Chancellors view academic freedom, and their management of it, shows that they have a high level of responsibility in shaping its form and continuation.

It is important that academic freedom is discussed freely within the academy as universities continue to evolve in a period of global development and political, economic and societal unrest, when restrictions are being imposed that may encroach on the fabric of a university and its *raison d'être*. This should be led by Vice-Chancellors; it is their role to consider how best to do this without threatening academic freedom and its necessarily diverse variations. Without continuing debate and consideration of the term 'academic freedom' and its constituent elements, academic freedom itself could be lost.

Deem (2004) considered how changes from 'old forms of public management' of the 1960s and those of the 'new forms of public management' and new managerialism from the 1980s had combined, even if reluctantly at first. Since the research primary data collection activities in 2013 and 2014, there have been increased public calls for universities, and Vice-Chancellors, to review their policies and practices on the freedoms exercised by higher education institutions. Freedom was being seen to be increasingly suppressed in universities often led by students, a movement gaining strength in the United States especially. Louise Richardson, the new Vice-Chancellor of the University Oxford, regarded as one of the highest profile academics in the country, and far from a being regarded as a 'troublemaker', stated:

We need to expose our students to ideas that make them uncomfortable so that they can think about why it is that they feel uncomfortable, and what it is about those ideas that they object to. (Espinoza, *The Telegraph*, 16<sup>th</sup> January 2016).

This provides an opportunity for a wider discussion on freedoms in universities. Hammersley (2016) calls for a wider understanding of academic freedom by all parties involved, and is concerned about its loss. Academic freedom may be uncomfortable as a topic of discussion for academics, managers, governing bodies and Vice-Chancellors. However, it is the Vice-Chancellors who can influence the direction of the academy, and Snowden (2013), clearly indicated that Vice-Chancellors needed to show leadership and shape the future of the academy.

Marginson (1997) had argued that academic freedom should not be regarded as time-bound or historically defined. He suggested that academic freedom would not be necessarily diminished if it was to be reconceptualised. Tight (2014) considers that collegiality and managerialism, rather than being regarded as separate, may lead the way in a considering the future of higher education. This is supported by Burnes *et al.* (2014) who argue for a contemporary blending of the two perspectives. This would bring Fish's (2014) versions of professionalism and democracy closer together and provide a basis of movement towards the visions for academic freedom of Karran (2009), Hayes (2009) and Williams (2016). Miller believes:

...that a new type of managerialism could emerge which becomes a force that drives a stronger sense of academic community and freedom rather than a controlling mechanism that impedes it (Miller 2014:10).

### **5.3.iii: Recommendations for the management and practice of academic freedom**

#### **Recommendation 1. UK universities strategic development**

Vice-Chancellors need to review universities' support for academic freedom. This currently is limited. An overarching review of academic freedom should be initiated by university Vice-Chancellors, Universities UK (UUK), the Higher Education Policy Institute (HEPI) and the Committee of University Chairs (CUC).

**Recommendation 2. Individual universities and their governance.** In tandem with the strategic level review, a review of university documentation, policies and procedures, and responsibilities for academic freedom, is required. The

responsibilities, accountabilities and activities of different committees, groups and individuals, including the Vice-Chancellorship, senate (academic board), and governing council, must be reconsidered.

**Recommendation 3. Departmental Level within Universities.** A review of the management of academic freedom at departmental level, covering the day to day practice and operationalisation of academic freedom, must be undertaken. This will assist departmental managers in developing and supporting the practice of academic freedom.

**Recommendation 4. The individual academic and debate.** Academic voice must be enhanced. Establishing mechanisms for a more collegiate approach to discussion and debate on academic freedom in universities is essential if the concept is to return to being a first order value.

#### **5.3.iv: A final comment**

The idea of academic freedom and what it means to the individual and to the academy has been neglected. Academic freedom now appears to exist at the discretion of Vice-Chancellors, who have an important role in shaping the future of academic freedom. They control its management but have devolved its practice to the day to day activities in academic departments, where it may, or may not be exercised. This approach must be examined and reviewed. Academic freedom is too important to leave in the hands of one person. Universities are, and should remain, “extraordinary places” (Snowden 2013), where academic freedom has a defining role. Vice-Chancellors need to take heed and lead on this.

## References:

Aarrevaara, T. (2010) Academic Freedom in a Changing Academic World, *European Review*, 1 (1): 55-69.

Association of American Professors (AAUP) <https://www.aaup.org/academe> (last accessed 20 December 2016).

Ackroyd. (2009) Research Designs for Realist Research, in Buchanan, D. A. and Bryman A. (eds) *The Sage Handbook of Organisational Research Methods*, 532-548, London: Sage.

Ackroyd, P. and Ackroyd, S. (1999) Problems of university governance in Britain: Is more accountability the solution? *The International Journal of Public Sector Management*, 12(2): 171–185.

Academics for Academic Freedom (AFAF): <http://www.afaf.org.uk/> (last accessed 20 December 16).

Adrian, W. (2003) Christian Universities in Historical Perspective, *Christian Higher Education*, 2(1): 15-33.

Akerlind, G.S. and Kayrooz, C. (2003) Understanding Academic Freedom: The views of social scientists, *Higher Education Research and Development*, 22(3): 327-344.

Altbach, P. G. (2001) Academic freedom: International realities and challenges, *Higher Education*, 41: 205-219.

Altbach, P. G. (2011) The past, present and future of the research University, *Economic and Political Weekly*, xlvI, no 16:1-12.

Alvesson, M. (2003) Beyond Neopositivists, Romantics, and Localists: A Reflexive Approach to Interviews in Organizational Research, *Academy of Management Review*, 28(1): 13-33.

Alvesson, M. and Sköldbberg, K. (2009) (2<sup>nd</sup> edn) *Reflexive Methodology: New Vistas in Qualitative Research*, London: Sage.

Anderson, R. (2009) The `idea of a university`, in Withers, K. (ed) *First class? Challenges and Opportunities for the UK's University Sector*, London: Institute for Public Policy Research.

Anderson, R. (2010) The 'Idea of a University' today. *History and Politics*, <http://www.historyandpolicy.org/papers/policy-paper-98.html>. (accessed 2 September 2011).

Andreescu, L. (2009) Foundations of academic freedom: Making new sense of some aging arguments, *Studies in Philosophy and Education*, 28(6): 499-515.

Appiagyei-Atua, K. (2015) Academics urged to engage in academic freedom survey, *University World News*, <http://www.universityworldnews.com> May 2015 Issue No:151 (accessed 12 February 2016).

Badley, G. (2009) A Place from where to speak; the university and academic freedom, *British Journal of Educational Studies*, 57(2): 146-163.

Barendt, E. (2010) *Academic Freedom and the Law: A Comparative Study*, Oxford: Hart Publishing.

Barnett, R. (2000) University Knowledge in an age of supercomplexity, *Higher Education*, 40(4): 409-422.

Barnett, R. (ed) (2005) *Reshaping the University. New Relationships between Research, Scholarship and Teaching*, Maidenhead: SRHE & Open University Press.

Barnett, R. (2011) *Being a University*, Abingdon Oxon: Routledge.

Barrow, R. (2009) Academic freedom: its nature, extent and value, *British Journal of Educational Studies*, 57(2), 178-190.

Berlin, I. (1969) Two Concepts of Liberty, *Four Essays on Liberty*, Oxford: Oxford University Press.

Bernard, H.R. (2011) *Research Methods in Anthropology: Qualitative and Quantitative*, USA: Alta Mira Press.

Birtwhistle, T. (2004) Academic Freedom & Complacency - the possible effects if "good men do nothing", *Education Law Journal Education and the Law*, 16(4): 203-214.

Bleiklie, I. (2005) Academic Leadership and Emerging Knowledge Regimes. In, I. Bleiklie and M. Henkel (eds) *Governing Knowledge A Study of Continuity and Change in Higher Education - A Festschrift in Honour of Maurice Kogan*, Netherlands: Springer.

Boden, R. and Epstein, D. (2006) Managing the research imagination? Globalisation and research in higher education, *Globalisation, Societies and Education*, 4(2): 223-236.

Boffey, D. (2013) Historians warn minister: hands off our academic freedoms.

*Observer*, 26 January 2013

<http://www.theguardian.com/education/2013/jan/26/historians-warn-minister-over-academic-freedom> (accessed 1 February 2013).

Bolden, R. Petrov, G. and Gosling, J. (2008) *Developing Collective Leadership in Higher Education*, London: Leadership Foundation for Higher Education.

Bolden, R. Gosling, J. O'Brien, A. Peters. R. Ryan, M.K. Haslam, S. A. Longworth, L. Davidovic, A. Winkleman, K. (2012) *Academic leadership: changing conceptions, identities and experiences in UK Higher Education*, London: Leadership Foundation for Higher Education.

Botsford, D. (1998) *Academic Freedom and the idea of a University*, Education Notes No 27 Libertarian Alliance, London.

Bosetti, L. and Walker, K. (2010) Perspectives of UK Vice-Chancellors on Leading Universities in a Knowledge-Based Economy, *Higher Education Quarterly*, 64: 4–21.

Boulton, G. and Lucas, C. (2011) What are Universities For? *Chinese Society Bulletin*, 56(23): 2506–2517.

Bowe, R. Ball, S.J. and Gold, A. (1992) *Reforming Education and Changing Schools*, London: Routledge.

Boyatzis, R. (1998) *Transforming qualitative information: Thematic analysis and code development*, Thousand Oaks: CA, Sage.

Breakwell, G.M. (2006) Leadership in education: the case of vice-chancellors. *Perspectives: Policy and Practice in Higher Education*, 10(2): 52-58.

Breakwell, G. M. and Tytherleigh, M.Y. (2008) The Characteristics, Roles and Selection of Vice-chancellors, Summary Report, *Research and Development Series*, Leadership Foundation for Higher Education.

Brown, R. (2001) The governance of the new universities: Do we need to think again? *Perspectives: Policy and Practice in Higher Education*, 5(2): 42-47.

Brown, A. (2006) Academic Freedom in Western Europe: Right or Privilege? in Gerstmann, E. and Streb, M.J. (eds) (2006) *Academic Freedom at the Dawn of a New Century*, Stanford: Stanford University Press.

Brown, A. (2014) At the Heart of the Higher Education Debate; The myth of the strong leader, *Times Higher Education*, <http://www.timeshighereducation.co.uk/features/the-myth-of-the-strong-leader/2012526.fullarticle> (accessed 10 April 2014).

Bryman, A. (2004) Qualitative research on leadership: A critical but sympathetic review, *Leadership Quarterly*, 15: 729-69.

Bryman, A. (2007) Effective Leadership in Higher Education: a literature review, *Studies in Higher Education*, 32(6): 693-710.

Bryman, A. Collinson, D. Grint, K. Jackson, B. and Uhl-Bien, M. (eds) (2011), *Sage Handbook of Leadership*, London : Sage.

Bryman, A. and Lilley, S. (2009) Leadership researchers on leadership in higher education, *Leadership*, 5(3), pp.331-346.

Bryson, C. (2004) What about the workers? The expansion of higher education and the transformation of academic work, *Industrial Relations Journal*, 35(1), 38–57.

Bryman, A. and Bell, E. (2007) *Business Research Methods*, Oxford: Oxford University Press.

- Buchanan, D.A. (2010) *Case Studies in Organisational Research*, in G. Symon, and C. Cassell (eds) *The Practice of Qualitative Organizational Research: Core Methods and Current Challenges*, London: Sage.
- Buchanan, D.A. and Badham, R.J. (2012) *Power, Politics, and Organisational Change. Winning the Turf Game*, London: Sage Publications.
- Buchanan, D.A. and Bryman, A. (2009) (eds) *The Sage Handbook of Organisational Methods*, London: Sage.
- Buchanan, D., and Huczynski, A. (2004) *Organisational Behaviour: an introductory text*, Harlow: Prentice Hall.
- Burnes, B. Wend. P. and By. R. T. (2014) The changing face of English universities: reinventing collegiality for the twenty-first century, *Studies in Higher Education*, 39(6): 905-926.
- Burnett, K. (2016) Freedom of speech is not enough, <https://www.sheffield.ac.uk/news/nr/freedom-speech-universities-vice-chancellor-comment> (accessed 30 January 2016).
- Butler, J. (2006) *Israel/Palestine and the paradoxes of academic freedom*, (PDF) kibush.co.il (accessed 2 May 2016).
- By, R.T. Burnes, B. and Oswick, C. (2013) Creating a Leading Journal and Maintaining Academic Freedom, *Journal of Change Management*, 1 (1): 1-8.
- Cameron, S. And Price, D.(2009) *Business Research Methods: A Practical Approach*, London: CIPD.
- Cartwright, W. (2003) John Stuart Mill on Freedom of Discussion, *Richmond Journal of Philosophy*, 5 (Autumn 2003).
- Cassell, C. (2009) Interviews in Organisational Research. In. Buchanan, D. A and Bryman, A. (eds). *The Sage Handbook of Organisational Research Methods*, 532-548, London: Sage Publications.
- Clegg, S. (2008) Academic Identities under threat? *British Educational Research Journal*, 34(3): 329-345.
- Cohen, L. Manion, L. and Morrison, K. (2007) (6<sup>th</sup>edn) *Research Methods in Education*, London: Routledge.
- Council for Academic Freedom and Academic Standards (CAFAS) <http://www.cafas.org.uk>. (accessed 6 June 2016).
- Corbyn, Z. Bode, C. and Gunkel, D. (2010) A Clear and Present Danger, *Times Higher Education*, 11 February 2010 <http://www.timeshighereducation.co.uk/story.asp?storycode=410297> (accessed 1 June 2010).
- Coaldrake, P. (2000) Rethinking Academic and University Work, *Higher Education Management*, 12(3); 7-30.

Collini, S. (2012) *What are Universities For?* St Ives: Penguin Books.

Committee of University Chairmen (CUC) Higher Education Code of Governance (2004) (accessed 6<sup>th</sup> January 2013). Note no longer available as new Code of Governance (2014) has now replaced the original – see <http://www.universitychairs.ac.uk/wp-content/uploads/2015/02/Code-Final.pdf>.

Committee of University Chairmen (CUC) Report on the Monitoring of Institutional Performance and the Use of Key Performance Indicators (2006) [http://www2.bcu.ac.uk/docs/cuc/pubs/KPI\\_Booklet.pdf](http://www2.bcu.ac.uk/docs/cuc/pubs/KPI_Booklet.pdf) (accessed 2 February 2012).

Cribb, A. and Gerwitz, S. (2013) The hollowed-out university? A critical analysis of changing institutional and academic norms in UK higher education. *Discourse: Studies in the Cultural Politics of Education*, 34(3): 338-350.

Crotty, M. (1998) *The Foundation of Social Research: Meaning and Perspectives in the Research Process*, London: Sage.

Dandridge, N. (2010) We have to be very lean, flexible and fit as we're moving into pretty rocky times, *Independent*, 3 June 2010 <http://www.independent.co.uk/news/education/higher/nicola-dandridge-Isquowe-have-to-be-very-lean-flexible-and-fit-as-wersquore-moving-into-pretty-rocky-timesrsquo-1989316.html#> (accessed 1 June 2012).

Davies, A., & Thomas, R. (2002) Managerialism and accountability in higher education: The gendered nature of restructuring and the costs to academic service, *Critical Perspectives on Accounting*, 13(2): 179–193.

Dearing, R. (1993) *National Committee of Inquiry into Higher Education*, Department for Education: HMSO.

Dearing, R. (1997) *Higher Education in the learning society*, HMSO [www.educationengland.org.uk/documents/dearing1997/dearing1997.html](http://www.educationengland.org.uk/documents/dearing1997/dearing1997.html) (accessed 4 August 2012).

De Boer, H., Huisman, J., and Meister Scheytt, C. (2010) Supervision in 'modern' university governance: boards under scrutiny, *Higher Education*, 35(3): 317-333.

Deem, R. (2004) The knowledge worker, the manager-academic and the contemporary UK University: New and old forms of public management, *Financial Accountability and Management*, 20(2): 107–128.

Deem, R. (2006) Changing Research Perspectives on the Management of Higher Education: Can Research Permeate the Activities of Manager-Academics? *Higher Education Quarterly*, 60(3): 203-228.

Denis, J-L, Kisfalvi, V, Langley, A. and Rouleau, L. (2011) Perspectives on Strategic Leadership. In Bryman, A, Collinson, D, Grint, K, Jackson, B, and Uhl-Bien M (eds), *The Sage Handbook of Leadership*, London : Sage.

Denzin, N.K. and Lincoln, Y. (eds) (2000) (2<sup>nd</sup> edn) *Handbook of Qualitative Research*, London: Sage.

Department for Business Innovation and Skills (2011). *Applications for the grant of taught degree-awarding powers, research degree-awarding powers and university title. Guidance for applicant organisations in England and Wales (August 2004)* <https://www.gov.uk/government/organisations/department-for-business-innovation-skills> (accessed 2 February 2011 and 18 March 2015) <http://dera.ioe.ac.uk/1804/> (accessed 26 April 2015).

Docherty, T. (2014) Thomas Docherty on academic freedom: *Times Higher Education*, 4 December 2014 <http://www.timeshighereducation.co.uk/features/thomas-docherty-on-academic-freedom/2017268.fullarticle> (accessed 5 December 2014).

Dundon, T. Wilkinson, A, Marchington M, and Ackers, P. (2004) The meanings and purpose of employee voice, *The International Journal of Human Resource Management* 15(6): 1149-1170.

Eastwood, D. Farwell, R. Webley, P. and Curran, P. (2015) How to lead a University: a beginner's guide, *Times Higher Education*, 5 March 2015 <http://www.timeshighereducation.co.uk/features/how-to-lead-a-university-a-beginners-guide/4/2018804.article> (accessed 5 March 2015)

Economic and Social Research Council (ESRC) (2004) *Research Ethics Framework*, Swindon: ESRC.

Education Reform Act 1988, <http://www.legislation.gov.uk/ukpga/1988> (accessed 6<sup>th</sup> April 2011)

Eisenhardt, K.M. (1989) Building Theories from Case Study Research, *Academy of Management Review*, 14(4): 532-550.

Eisenhardt, K.M. and Graebner, M. E. (2007) Theory Building from Cases: Opportunities and Challenges, *Academy of Management Journal*, 50(1): 25-32.

Engward, H. and Davis, G. (2015) Being reflexive in qualitative grounded theory: discussion and application of a model of reflexivity, *Journal of Advanced Nursing*, 71(7): 1530 – 1538.

Erguder, U. (2010) *Academic Freedom and Institutional Autonomy: Contemporary Challenges*. IAU International Conference, Vilnius, June 2010. [www.intconfhighered.org/erguder\\_speech\\_for\\_ICHE\\_website.doc](http://www.intconfhighered.org/erguder_speech_for_ICHE_website.doc) (accessed 26 January 2011).

Espinoza, J. (2016) Extremist groups must be allowed to preach on British campuses, new Oxford head says, *The Telegraph*, 16<sup>th</sup> January 2016, <http://www.telegraph.co.uk/education/educationnews/12102509/Extremist-groups-must-be-allowed-to-preach-on-British-campuses-new-Oxford-head-says.html> (accessed 18 January 2016).

Farnham, D. and Jones, J. (1998) Who Are the Vice-Chancellors? An Analysis of Their Professional and Social Backgrounds 1990-1997, *Higher Education Review*, 30(3): 42-58.

Faulkner, N. (2011) What is a University Education for? In Bailey, M and D. Freedman, (eds) *The Assault on Universities: A Manifesto for Resistance*, London: Pluto Press.

Felt, U. and Glanz, M. (2003) University Autonomy in Europe: Changing Paradigms in higher education. In the Proceedings of the Seminar of the *Magna Charta Observatory*, 17 September 2002. Bologna, Bononia University Press.13-106 [www.eua.be/fileadmin/user.../files/.../Background documents final.pdf](http://www.eua.be/fileadmin/user.../files/.../Background_documents_final.pdf) (accessed 2 September 2011).

Filippakou, O. Salter, B. and Tapper, T. (2012) Higher Education as a System: the English Experience, *Higher Education Quarterly*, 66(1): 106-122.

Fish, S. (2014) *Versions of Academic Freedom: From Professionalism to Revolution*, USA: University of Chicago.

Fitzgerald, L. and Dopson, S. (2009) Comparative Case Study Designs: Their Utility and Development in Organisational Research. In Buchanan, D. A. and Bryman, A. (eds), *The Sage Handbook of Organisational Research Methods*, London: Sage.

Fitzmaurice, M. (2011) Constructing professional identity as a new academic: a moral endeavour, *Studies in Higher Education*. 2011: 1-10.

Foskett, N. H. (2011) Markets, government, funding and the marketisation of UK higher education, in *The Marketisation of Higher Education and the Student Consumer*, Molesworth, M. Scullion, R. and Nixon, E. (eds), 25-38, Abingdon: Routledge.

Foskett, R. (2010) “Working with friends while cavorting with the enemy”: the paradox of partnership, June 2010, Inaugural Lecture, University of Worcester, [https://eprints.worc.ac.uk/.../Inaugural Professorial lecture Foskett 2010](https://eprints.worc.ac.uk/.../Inaugural_Professorial_lecture_Foskett_2010) (accessed 30 August 2012).

Francis J. Johnston, M. Robertson, C. Glidewell, L. Entwistle, V. Eccles M.P. and Grimshaw, J.M. (2010) What is an adequate sample size? Operationalising data saturation for theory-based interview studies, *Psychology & Health*, 25(10): 1229-1245.

Furedi, F. (2016) *What's Happened to the University: A Sociological Exploration of its Infantilisation*, Kent: Routledge.

Ginsberg, B. (2011) *The fall of the faculty: The rise of the all-administrative university and why it matters*, Oxford: Oxford University Press.

Goodall, A. H. (2006) Should Top Universities be Led by Top Researchers, and Are They? *Journal of Documentation* 62: 388–411.

Goodall, A. H. (2009a) Highly Cited Leaders and the Performance of Research Universities, *Research Policy*, 38(7), 1079-1092.

Goodall, A. (2009b) *Socrates in the Boardroom: Why Research Universities Should Be Led by Top Scholars*, USA: Princeton University Press.

Gray, D.E. (2014) *Doing Research in the Real World*, London: Sage.

Gronn, P. (2000) Distributed properties: a new architecture for leadership, *Educational Management and Administration*, 28(3): 317-38.

Gronn, P. (2002) Distributed leadership as a unit of analysis, *Leadership Quarterly*, 13: 423-51.

Guest, G. Bunce, A. Johnson, L. (2006) How Many Interviews Are Enough? An Experiment with Data Saturation and Variability, *Field Methods*, 18(1): 59-82.

Hambrick, D.C. (1989) Guest Editor`s introduction: putting top managers back into the strategy picture, *Strategic Management Journal*, 10(1): 5-15.

Hambrick, D.C, and Mason, P.A. (1984) Upper echelons; the organization as a reflection of its top managers, *The Academy of Management Review*, 9(2): 193-206.

Hammersley. M, (2016) Can Academic Freedom be Justified? Reflections on the Arguments of Robert Post and Stanley Fish, *Higher Education Quarterly* 70(2): 108-126.

Hancock, N. and Hellowell, D.E. (2003) Academic Middle Management in Higher Education: A game of hide and seek? *Journal of Higher Education policy and Management* 25(1): 5-12.

Hayes, D. (2009) Academic Freedom and the diminished subject, *British Journal of Educational Studies*, 57(2): 127-145.

He, H. and Brown, D. B. (2013) Organisational Identity and Organisational Identification: A Review of the Literature and Suggestions for Future Research, *Group and Organization Management*, 38(1): 3-35.

Henkel, M. (2007a) Can academic autonomy survive in the knowledge society? A perspective from Britain, *Higher Education Research and Development*, 26(1): 87-99.

Henkel, M. (2007b) Changing conceptions of university autonomy in 21st century knowledge economies: the case of Britain.  
[http://www.fup.pt/old/cipes/docs/eventos/pdf\\_docs/Henkel\\_11Maio.pdf](http://www.fup.pt/old/cipes/docs/eventos/pdf_docs/Henkel_11Maio.pdf)-  
(accessed 2 September 2012).

Henkel, M. (2009) Policy Change and the Challenge to Academic Identities. In Enders, J and de Weert, E. (eds) *The Changing Face of Academic Life*, London: Palgrave Macmillan.

Henkel, M. (2010) Change and Continuity in Academic and Professional Identities. In Gordon, G. and Whitchurch C. (eds) *Academic and Professional Identities in Higher Education. The challenges of a Diversifying Workforce*, Abingdon: Routledge.

Hertz, R. and Imber, J.B. (eds) (1995) *Studying elites using qualitative methods*, Thousand Oaks, CA: Sage.

Higher Education Act 2004, [www.legislation.gov.uk/ukpga/2004](http://www.legislation.gov.uk/ukpga/2004) (accessed 9 April 2011).

Hodder, I. (2003) The interpretation of documents and material culture. *Collecting and Interpreting Qualitative Materials*, 2: 155-175.

Hudson, C. and Williams, J. (2016) (eds) *Why Academic Freedom Matters: A Response to Current Challenges*, London: Civitas.

Hutcheson, P. (2011) The Disembowelled University: Online Knowledge and Academic Freedom, *Journal of Academic Freedom*, 2: 1-18.

Jacobs, J. A. (2013) *In Defence of Disciplines. Interdisciplinarity and Specialization in the Research University*, Chicago: University of Chicago Press.

Jarboe, N. (2013) *Women Count: Leaders in Higher Education 2013*, London: KPMG.

Johnson, P. Buehring, A., Cassell, C and Symon, G., (2006) Evaluating Qualitative Management Research; Towards a contingent criteriology, *International Journal of Management Reviews* 8(3), 131-156.

Johnson, G. Whittington, R. Scholes, K. Angwin, D. and Regner, P. (2013) (10<sup>th</sup> edn), *Exploring Strategy*, London: Pearson.

Karran T. (2009) Academic freedom: in justification of a universal ideal, *Studies in Higher Education*, 34 (3): 263-283.

Karran, T. (2011) Unshackled minds help institutions to conquer the greatest heights, *Times Higher Education Supplement*, 29 January.  
<https://www.timeshighereducation.com/> (accessed 1 March 2011)

Karran, T. (2013) Academic Freedom: Extravagant Luxury or Essential Liberty? *Higher Education Academy Research Seminar/Webinar Series*, HEA, York, 12<sup>th</sup> February 2013 <https://www.heacademy.ac.uk/sites/default/.../HEA-AFPresentation> (accessed 1 August 2013).

Kekale, J. (2015) A human resources model supporting academic excellence, *Tertiary Education and Management*, 20: 1-12.

Kirk, J. and Miller, M.L. (1986) *Reliability and Validity in Qualitative Research*. Qualitative Research Methods Series no. 1, Beverly Hills, CA: Sage.

Knight, P. T. and Trowler, P. R. (2000) *Department-level cultures and the improvement of learning and teaching*, *Studies in Higher Education* 25(1), 69-83.

Kofi Darbi, W.P. (2012) Of Mission and Vision Statements and Their Potential Impact on Employee Behaviour and Attitudes: The Case of A Public But Profit-Oriented Tertiary Institution, *International Journal of Business and Social Science*, 3(14) :95-109 (Special Issue, July 2012).

Kogan, M. (1996) The Institutional Aspects. In Brennan, J. Kogan, M. and Teichler, U. (eds.), *Higher Education and Work*, London: Jessica Kingsley.

Kok, S.K. Douglas, A. McClelland. R, and Bryde, D. (2010) The Move towards Managerialism: Perceptions of staff in “traditional” and “new” UK universities, *Tertiary Education and Management*, 16(2): 99–113.

Kolsaker, A. (2008) Academic professionalism in the managerialist era: A study of English Universities, *Studies in Higher Education*, 33 (5): 513-25.

Kotter, J. (1996) *Leading Change*, Boston: Harvard Business School Press.

Kvale, S. and Brinkman, S. (2009) (2<sup>nd</sup> ed) *Interviews, Learning the Craft of Qualitative Research Interviewing*, US: Sage

Langley, A. (1999/2009) Studying Processes In and Around Organisations, In Buchanan, D. A. and Bryman, A. (eds). *The Sage Handbook of Organisational Research Methods*, London: Sage.

Levi-Strauss, C. (1966) *The Savage Mind*, Chicago: University of Chicago Press.

Lincoln, Y.S. and Guba, E.G. (1985) *Naturalistic Inquiry*, Newbury Park, CA: Sage

Lynch, K. and Ivancheva, M. (2015) Academic freedom and the commercialisation of universities: a critical ethical analysis, *Ethics in Science and Environmental Politics*, 15 (1): 1-15, (PDF) ucd.ie (accessed 28 December 2015).

Macfarlane, B. (2013) *Intellectual leadership in higher education. Reviewing the role of the university professor*, Abingdon: Routledge.

Macfarlane, B. (2014) Editorial: Challenging leaderism *Higher Education Research and Development*, 33(1): 1-4.

McCabe, D. (2007) *Power at Work: How Employees Reproduce the Corporate Machine*, Abingdon: Routledge.

McInnis, C. (2010) Traditions of Academic Professionalism and Shifting Academic Identities. In G. Gordon, and C. Whitchurch (eds) *Academic and Professional Identities in Higher Education. The Challenges of a Diversifying Workforce*, Abingdon: Routledge.

Macek, S. (2015), Stanley Fish's Versions of Academic Freedom, *Academe Blog* <https://academeblog.org/2015/04/19/stanley-fishs-versions-of-academic-freedom/> (accessed 23 August 2015).

Marginson, S. (1997) How free is academic freedom? *Higher Education Research and Development*, 16(3), 359-369

Marshall, J. M. (2012) *Understanding the Sustainability of Organisational Change*, (unpublished PhD thesis, University of Derby).

Menand, L. (ed.) (1996) *The Future of Academic Freedom*, Chicago: University of Chicago Press.

Merton, R.K. (1967) *On Theoretical Sociology*, New York: The Free Press.

Middlehurst, R. (1993) *Leading Academics*, Buckingham: Open University Press.

Middlehurst, R. (2004) Changing internal governance: A discussion of leadership roles and management structures in UK universities, *Higher Education Quarterly*, 58(4): 258-79.

Middlehurst, R. (2008) Not enough science or not enough learning? Exploring the gaps between leadership theory and practice, *Higher Education Quarterly*, 62(4): 319-21.

Middlehurst, R. (2010) Developing Higher Education Professionals: Challenges and Possibilities. In Gordon, G. and Whitchurch, C. (eds) *Academic and Professional Identities in Higher Education. The Challenges of a Diversifying Workforce*, Abingdon: Routledge.

Middlehurst, R. (2013) Changing Internal Governance: Are Leadership Roles and Management Structures in United Kingdom Universities Fit for Purpose? *Higher Education Quarterly*, 67(3): 275-294.

Miles, M.B. and Huberman, A.M. (1994) *Qualitative Data Analysis*, Thousand Oaks: Sage.

Mill, J.S. (1869) (4<sup>th</sup> ed) *On Liberty*, London: Longmans, Green, Reader and Dyer. Available as free EBook, [www.google.co.uk](http://www.google.co.uk) (10 October 2015)

Miller, B. (2014) Free to manage? A neo-liberal defense of academic freedom in British higher education, *Journal of Higher Education Policy and Management*, 36(2): 143-154.

Morgan, J. (2014) Life after whistleblowing, *Times Higher Education*, 31<sup>st</sup> July 2014 [www.timeshighereducation.co.uk/features/life-after-whistleblowing/2014776.article](http://www.timeshighereducation.co.uk/features/life-after-whistleblowing/2014776.article) (accessed 1 August 2014).

Morgan, J. (2015) University leaders call for exemption from anti-terror laws, Times Higher Education, 28<sup>th</sup> January 2015  
<https://www.timeshighereducation.com/news/university-leaders-call-for-exemption-from-anti-terror-laws/2018228.article> (accessed 4th February 2015).

Morrish, L. and Saunston, H. (2013) Business-facing motors for economic development': an appraisal analysis of visions and values in the marketised UK University, *Critical Discourse Studies*, 10 (1): 61-80.

Mullane, J. V. (2002) The mission statement is a strategic tool: when used properly, *Management Decision*, 40(5): 448-455.

Naidoo, R. Gosling, J. Bolden, R. O'Brien, A. and Hawkins, B. (2014) Leadership and branding in business schools: a Bourdieusian analysis, *Higher Education Research & Development*, 33(1) 144-146.

Newman, J.H. The Idea of a University. What Is a University? *Essays: English and American*. Vol. XXVIII. The Harvard Classics. New York: P.F. Collier & Son, 1909–14; Bartleby.com, 20 [www.bartleby.com/28](http://www.bartleby.com/28) (accessed 10<sup>th</sup> August 2011).

Newman, J.H. ((1852)1959) *The Idea of a University*, New York: Image Books.

Northouse, P.G. (2013) *Leadership, Theory and Practice*, London: Sage.

Nordensvard, J. (2011) *The consumer metaphor versus the citizen metaphor in education policy*. In Molesworth, M. Scullion, R. and Nixon, E. (eds.) *The Marketisation of Higher Education and the Student as Consumer*, Abingdon: Routledge.

O'Connor, P. Carvalho, T. and White, K. (2014) The experiences of senior positional leaders in Australia, Irish and Portuguese universities: universal or contingent? *Higher Education Research & Development*, 33(1): 5-18.

O'Hear, A. (1988) Academic Freedom and the university, *Journal of Philosophy of Education*, 22(1): 13-21.

O'Neill, O. (2012) Integrity and Quality in Universities: Accountability, Excellence and Success, *British Academy Review*, 20: 41-44.

Palyfreyman, D. (2007) Is academic freedom under threat in UK and USA higher education? *Education and the Law*, 19 (1): 19-40.

Palyfreyman, D. (2012) Review: Academic Freedom and the Law: A Comparative Study by Eric Barendt. *Perspectives: Policies and Practice in Higher Education*, 16 (2) 4-6.

Palyfreyman, D. and Tapper, T. (2014) *Reshaping the University. The Rise of the Regulated Market in Higher Education*, Oxford: Oxford University Press.

Pauwels, L. (2012) A Multimodal Framework for Analyzing Websites as Cultural Expressions, *Journal of Computer-Mediated Communication* (17)3: 247-368.

- Pfeffer, J. (1992a) *Managing with Power*, Boston: Harvard Business School Press.
- Pincoffs, E. L. (1975) *The concept of academic freedom*, Austin and London: University of Texas Press.
- Pfeffer, J. (1992b) Understanding Power in Organisations, *California Management Review*, 34(2): 29-50.
- Pollitt, C. (2003) *The Essential Public Manager*, England: Open University Press.
- Post, R.C. (2009) The Job of Professors, *Faculty Scholarship Series*, Paper 163 [http://digitalcommons.law.yale.edu/fss\\_papers/163](http://digitalcommons.law.yale.edu/fss_papers/163) (accessed 1 May 2016).
- Precious, C. (2014) *Conceptions of Academic Freedom in English Faith Based Universities and University Colleges* (unpublished PhD thesis, University of London).
- Prevent Duty Guidance 2015 <https://www.gov.uk/government/publications/prevent-duty-guidance>. (accessed 12 February 2016).
- Quality Assurance Agency: The UK Quality Code for Higher Education. <http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code> (accessed 22 February 2015).
- Qualter, A and Willis, I. (2012) Protecting academic freedom in changing times: the role of Heads of Departments, *Journal of Educational Administration and History*, 44(2): 121-139.
- Ramsden, P. (1998) Managing the Effective University, *Higher Education Research and Development*, 17(3): 347-370.
- Rayner, S. Fuller, M. McEwen, L. and Roberts, H. (2010) Managing leadership in the UK University: a case of the missing professoriate? *Studies in Higher Education*, 35(6): 617-631.
- Reed, M.I. (2009) Critical Realism: Philosophy, Method, or Philosophy in Search of a Method: In Buchanan, D. A. and Bryman, A. (eds), *The Sage Handbook of Organisational Research Methods*, London: Sage.
- Reisz, M. (2010): Soul searching, not soul stirring, *Times Higher Education*. 20 May 2010  
<http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=411631> (accessed 25 May 2010).
- Ren, K. and Li. J. 2013: Academic Freedom and University Autonomy: A Higher Education Policy Perspective, *Higher Education Policy*, 26(4): 507-502.
- Rendel, M. (1988). Human Rights and academic freedom. In Tight, M (ed), *Academic freedom and responsibility* (p74-87), Buckingham, UK: SRHE & OU Press.

Rowlands, J. (2013) Academic boards: less intellectual and more academic capital in higher education governance? *Studies in Higher Education* 38(9): 1274-1289.

Rubin, H.J. and Rubin, I. (2005) (2<sup>nd</sup> ed) *Qualitative Interviewing: The Art of Hearing Data*, Thousand Oaks, CA: Sage.

Ruegg, W. (1992) Epilogue: the rise of humanism. In Ridder-Symoens, H. D. (ed), *Universities in the Middle Ages, A history of the university in Europe*. Cambridge: Cambridge University Press.

Running a Limited Company (2015) <https://www.gov.uk/running-a-limited-company> (accessed 30 March 2015).

Russell, C. (2002) *Academic Freedom*, Abingdon: Routledge.

Ryan, S. (2012) Academic zombies. A failure of resistance or a means of survival? *Australian Universities Review*, 54(2): 3-11

Sadler, D.R. (2011) Academic Freedom, achievement standards and professional identity, *Quality in Higher Education*, 17: 85-100.

Schwandt, T. (2001) *Dictionary of Qualitative Inquiry*, Thousand Oaks, CA: Sage.

Seifert, R. (2015). Big Bangs and Cold Wars: the British industrial relations tradition after Donovan (1965-2015), *Employee Relations*, 37(6): 746-760.

Shattock, M. (2012). University governance: An issue of our time, *Perspectives*. 16(2): 56-61.

Shepherd, S. (2014): [Who Really Runs English Universities?](http://www.researchgate.net/publication/269928539) Conference Paper Global Academic Network Conference, Tokyo; 04/2014. <http://www.researchgate.net/publication/269928539> (accessed 22 November 2014).

Shils, E. (1991) Academic freedom. In Altbach, P. G. (ed), *International higher education: An encyclopaedia, Volume I*: 1-22.

Shore, C, and Wright, S. (2000) Coercive accountability: The rise of audit culture in higher education. In Strathern, M. (ed) *Audit Cultures: Anthropological Studies in Accountability, Ethics and the Academy*, Abingdon: Routledge.

Shore, C, and Taitz, M. (2012) Who `owns` the university? Institutional autonomy and academic freedom in an age of knowledge capitalism, *Globalisation, Societies and Education* 10(2): 201-219.

Silverman, D. (1993) *Interpreting qualitative data*, London: Sage.

Sminia, H. (2009) Process Research in Strategy formation: Theory, Methodology, and Relevance, *International Journal of Management Reviews*, 11(1), 97-125.

Snowden, C. (2013) *The enduring value of universities*, Universities UK, President's address to 2013 Members' Annual Conference, University of Leicester, 12<sup>th</sup> September 2013. <http://www.universitiesuk.ac.uk> (accessed 11 November 2014).

Spendlove, M. (2007) Competencies for effective leadership in higher education, *International Journal of Educational Management*, 21(5):407-417.

Spillane, J.P. Halverson, R. and Diamond, J.B. (2004) Towards a theory of leadership practice: A distributed perspective, *Journal of Curriculum Studies* 36 (1): 3-30.

Strike, K. (1982) *Liberty and Learning*. New York: St. Martin's Press, Inc.

Tapper, T. and Palyfreyman, D. (2011) *Oxford; The Collegiate University; Conflict, Consensus, and Continuity*, Heidelberg, London and New York: Springer.

The Complete Universities Guide. [www.thecompleteuniversityguide.co.uk/league-tables/rankings](http://www.thecompleteuniversityguide.co.uk/league-tables/rankings) (accessed 2 April 2014).

Theissen, E. J. (2001) *In Defence of Religious Schools and Colleges*, Montreal and Kingston: McGill Queens University Press.

Thorens, J. (2006) Liberties, Freedom and Autonomy: A few Reflections on Academia's Estate. *Higher Education Policy*, 19(1): 87- 10.

Tickle, L. (2015) Free speech? Not at four in five UK universities, *the Guardian*, 2<sup>nd</sup> February 2015, <https://www.theguardian.com/education/2015/feb/02/free-speech-universities-spiked-ban-sombreros> (accessed 3 February 2015)

Tierney, W.G. (1993) Academic Freedom and the Parameters of Knowledge, *Harvard Educational Review*, 63(2): 143-161.

Tierney, W.G. (2001) Academic Freedom and organisational identity, *Australian Universities Review*. 2001: 7-1.

Tight, M. (1988) So what is academic freedom? In Tight, M. (ed.), *Academic freedom and responsibility*, Buckingham, UK: SRHE & OU Press.

Tight, M. (2002) So what does it mean to be a professor? *Higher Education Review*, 34(2): 15-31.

Tight, M. (2014) Collegiality and managerialism: a false dichotomy? Evidence from the higher education literature, *Tertiary Education and Management*, 20(4): 294-306.

Trow, M. (1994) Managerialism and the Academic Profession: The Case of England, in Managerialism and the Academic Profession: Quality and Control, *Higher Education Report No. 2*.

Truss, C. Mankin, D. and Kellier, C. (2012) *Strategic Human Resource Management*, New York: Oxford University Press.

Tsang. E.W.K., (2013). Generalizing from Research Findings: The Merits of Case Studies, *International Journal of Management Reviews*, 16 (4): 369-383.

UK Quality Code for Higher Education (2012) <http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/introducing-the-quality-code> (accessed 8 August 2014).

UNESCO *Recommendation on the Status of Higher Education Personnel*, [http://portal.unesco.org/en/ev.php-URL\\_ID=13144&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html). See also <http://www.magna-charta.org/magna-charta-universitatum>.

University and College Union (UCU) (2009) Statement on academic freedom <http://www.ucu.org.uk/index.cfm?articleid=3672> (accessed 4 April 2013).

Universities UK (2011) *Freedom of speech on campus: rights and responsibilities in UK universities*: Executive summary. [www.universitiesuk.ac.uk/.../2011/freedom-of-speech-on-campus.pdf](http://www.universitiesuk.ac.uk/.../2011/freedom-of-speech-on-campus.pdf)

Waring, M. (2013) All in This Together? HRM and the Individualisation of the Academic Worker. *Higher Education Policy*, 26(3): 1-23.

Warnock, M. (1992) Higher Education: the concept of autonomy, *Oxford Review of Education* 18(2): 119-124.

Watson, T. (1994) *In Search of Management*, London: Routledge.

Watson, D. (2012) Who runs our universities? *Perspectives: In Higher Education*, 16(2): 41-45.

Weber, L. (2006). University autonomy, a necessary, but not sufficient condition for excellence. IAU/IAUP Presidents' Symposium, Chiang Mai, Thailand, 8-9 December 2006 [http://www.euniam.aau.dk/fileadmin/user\\_upload/Luc\\_Weber.pdf](http://www.euniam.aau.dk/fileadmin/user_upload/Luc_Weber.pdf) (accessed 12 December 2011).

Whitchurch, C. (2008) Shifting Identities and Blurring Boundaries: The Emergence of Third Space in UK Higher Education, *Higher Education Quarterly*, 62(4): 377-396.

Whitchurch, C. (2010) Convergence and Divergence in Professional Identities in Gordon, G. and Whitchurch C. (eds), *Academic and Professional Identities in Higher Education: The Challenges of a Diversifying Workforce*, Abingdon: Routledge.

White Paper (2011) *Higher Education: Students at the Heart of the System* [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/31384/11-944-higher-education-students-at-heart-of-system.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31384/11-944-higher-education-students-at-heart-of-system.pdf) (accessed November 2011, and April 2015).

Williams, J. (2016) *Academic Freedom in an Age of Conformity: confronting the fear of knowledge*, London: Palgrave Macmillan.

Yin, R.K. (2003) (3<sup>rd</sup> edn) *Case Study Research: Design and Methods*, London: Sage.

Yukl, G. (2010) (7<sup>th</sup> edn) *Leadership in Organisations*, New Jersey: Pearson.

## APPENDICES

### Appendix: Title:

**ONE** Sample Overview

**TWO** Information gathering framework:  
(a) University websites  
(b) Interviews

**THREE** Interview Semi- structured checklist

**FOUR** Thematic analysis - What is academic freedom?

**FIVE** Extract of conversational interview with a senior academic manager

**SIX** Interview thematic analysis (Management and Practice of AF)  
Template

## APPENDIX ONE: English Universities: Sample Overview

UNIVERSITY by descending numerical order in league tables *	INTERVIEW Yes or No	WEBSITE SEARCH - Yes or No			UNI TYPE	BANDINGS (in multiples of 20)
		VC	General	Governance		
1	N	Y	Y	Y	TRAD	≤20
2	N	Y	Y	Y	TRAD	20
3	N	N	N	N	TRAD	20
4	Y	Y	Y	Y	TRAD	20
5	N	N	N	N	TRAD	20
6	Y	Y	Y	Y	TRAD	20
		19 out of 20 = English Unis				
7	N	N	N	N	TRAD	≤40
8	Y	N	Y	Y	TRAD	40
		15 out of 20 = English Unis				
9	Y	Y	Y	Y	TRAD	≤60
10	N	N	N	N	NEW	60
11	Y	Y	Y	Y	NEW	60
12	N	N	N	N	NEW	60
		14 out of 20 = English Unis				
13	Y	Y	Y	Y	TRAD	≤80
14	N	N	N	N	NEW	80
15	Y	Y	Y	Y	NEW	80
		17 out of 20 = English Unis				
16	N	N	N	N	NEW	≤100
17	N	N	N	N	NEW	100
18	Y	Y	Y	Y	NEW	100
		15 out of 20 = English Unis				
19	N	N	N	N	NEW	≤123
20	Y	Y	Y	Y	NEW	123
21	Y	Y	Y	Y	NEW	123
22	N	N	N	N	NEW	123
		19 out of 25 = English Unis				
23	N	N	N	N	NEW	No place in tables
24	N	Y	Y	Y	NEW	No place in tables

**Key:** highlight in yellow = universities used in the study

\* based on *The Complete University Guide*, published 2014. Note: these do not follow the same numerical position shown in the *Guide*, but used for this study only.

## APPENDIX TWO - Information gathering framework, (a) University websites

(Categories under the headings indicate an original broad set of criteria used for initial analysis. Those elements highlighted indicate first order themes specifically used in the analysis of data throughout the study).

## APPENDIX TWO - Information gathering framework, (b) Interviews.

Website overview	Aspect	Research framework Ref point – Chapter One, section: 1.2)
<p><b>Vice Chancellor – comment and or bibliography</b></p> <p>Education including: universities attended, PhD. Background including: work experience, committee work, working abroad, working with governments, working outside universities. Vision: VC view - for the university, what it stands for, where it wants to position itself, what is important? <b>AF term?</b></p>	<ul style="list-style-type: none"> <li>• Senior Leadership</li> <li>• Uniqueness and role of a university</li> <li>• Academic Freedom</li> </ul>	<p><b>iv</b> –VCs and AF</p> <p><b>i</b> - University? AF? Contested aspects.</p>
<p><b>General</b></p> <p>Foundation/history/structure (traditional or new), is AF recognised? Collegiate model? <b>Autonomy.</b> Positioning/ Distinctiveness: <b>freedom (autonomy) academic rigour (credentials)</b> (v) vocational/employability emphasis, <b>teaching/research, dissemination of knowledge,</b> student experience, partnerships, global positioning. Vision, mission, values: focus – <b>academic rigour, research</b> and/or vocational, business orientation, <b>dissemination,</b> AF term? Strategy/strategic plan: does it have one? General tenor? <b>Academic rigour, research? Dissemination.</b> <b>AF term?</b> written presentation: prospectus, general overview, signifying importance, relevance.</p>	<ul style="list-style-type: none"> <li>• `Traditional` v `new`</li> <li>• Uniqueness and role of a university</li> <li>• Business orientation of a university</li> <li>• Freedom re autonomy/AF</li> <li>• Research, academic rigour, teaching, vocational</li> <li>• Evidence of individual and collective AF</li> <li>• Senior Leadership other than VCs?</li> </ul>	<p><b>i</b> –University? Link to AF? Contested aspects.</p> <p><b>i</b> –AF? Contested aspects.</p> <p><b>ii</b> - Management of AF,</p> <p><b>iii</b> - Practice of AF.</p> <p><b>iv</b> – VCs and AF</p>
<p><b>Governance</b></p> <p>Governing council &amp; Senate/academic board/role Articles of Governance/ Hillhead Amendment 1988 &amp; HEA 2004/ AF) <b>freedom, autonomy, research, rigour, dissemination, consequences.</b> Policies and procedures. Role of academic, <b>freedom, research, rigour, dissemination, consequences.</b> Trade union representation Role of Vice Chancellor</p>	<ul style="list-style-type: none"> <li>• `Freedoms`</li> <li>• Evidence of individual and collective AF</li> <li>• Importance of AF</li> <li>• Business orientation of a university</li> <li>• Management of AF</li> <li>• Consequences</li> <li>• Uniqueness and role of a university</li> <li>• Senior Leadership</li> </ul>	<p><b>i</b> - University? AF? Contested aspects,</p> <p><b>ii</b> – Management of AF (<b>iii</b> – practice of AF) –</p> <p><b>iv</b> – VC and AF.</p>

(Elements highlighted provide the basis for the first order themes used in the analysis of data throughout the study)

Section 1. Setting the scene	Aspect	Research framework Ref point – Chapter One, section: 1.2)
<p><b>What is a university?</b></p> <p>Distinctive institution, autonomy, freedom, academic rigour (credentials) v vocational/employability emphasis, teaching/research, dissemination, student experience, partnerships, global positioning, AF</p>	<ul style="list-style-type: none"> <li>• Uniqueness and role of a university/AF</li> <li>• `Traditional` v `new`</li> <li>• Business orientation of a university</li> <li>• Research, academic rigour, teaching, vocational</li> </ul>	<p>i –University? Link to AF? Contested aspects.</p> <p>i –AF? Contested aspects.</p> <p>(ii - Management of AF, iii - Practice of AF)</p>
<p><b>What is academic freedom?</b></p> <p>Specific to a university? Freedom, autonomy, research, scholarly activity, applied research, within the law, Hillhead Amendment, senate, dissemination, teaching, consequences,</p>	<ul style="list-style-type: none"> <li>• Property of the uniqueness of a university</li> <li>• `Traditional` v `new`</li> <li>• Research, scholarly activity, academic rigour</li> <li>• Dissemination</li> <li>• Impact</li> </ul>	<p>i –AF? Contested aspects. Link to university?</p> <p>(ii - Management of AF, iii - Practice of AF)</p>
Section 2. The management and practice of academic freedom	Aspect	Research framework Ref point – Chapter One, section: 1.2)
<p><b>Management</b></p> <p>Governing council Senate/academic board/role. Membership, debate/discussion, voice, freedom, research, dissemination, role of AF, term AF.</p>	<ul style="list-style-type: none"> <li>• Uniqueness and role of a university/AF</li> </ul>	<p>i – Contested aspects. Link between universities and AF?</p>

<p>Articles of governance/legal aspects. Term AF, Freedom, autonomy, enquiry/research, rigour, dissemination, consequences. Trade union representation. AF last discussed/detail. AF issues/resolution. Consequences. AF written presentation of materials etc. Support of VC.</p>	<ul style="list-style-type: none"> <li>• Business orientation of a university</li> <li>• Evidence of AF</li> <li>• Individual and collective AF</li> <li>• Level of activity high/low</li> <li>• Examples</li> <li>• Senior leadership/VC</li> </ul>	<p>ii - Management of AF iii - Practice of AF iv – VC and AF.</p>
<p><b>Practice</b></p> <p>AF preparation/education of staff and academics, academic rigour. Academics able to select admissions/ teaching and marking protocols etc. freedom (AF?) Freedom of academics to choose areas of research/dissemination, individual autonomy. University's stance on academic's new ideas/controversial and unpopular opinions, consequences. Dissemination, academics and staff discussion of University affairs, inside/outside the university, consequences. Greater level of significance re AF in some faculties/departments than others, consequences.</p>	<ul style="list-style-type: none"> <li>• Evidence of AF</li> <li>• Individual and collective AF</li> <li>• Level of activity high/low</li> <li>• Role of governing council/senate</li> <li>• Policies etc.</li> <li>• Senior leadership</li> <li>• Examples</li> </ul>	<p>i – Contested aspects. Link between universities and AF? ii - Management of AF iii - Practice of AF (iv – VC and AF)</p>
<p><b>Section 3. Vice-Chancellors and academic freedom</b></p>	<p><b>Aspect</b></p>	<p><b>Research framework</b> Ref point – Chapter One, section: 1.2)</p>
<p><b>Vice Chancellor</b></p> <p>Role as a leader/academic leader. University, business, autonomy, AF, council, senate. Level of influence re AF. Leader, control, collegiate, over others, debate and discussion, freedom, research, dissemination, Champion of AF, dissemination, consequences. Additional comments.</p>	<ul style="list-style-type: none"> <li>• Senior leadership</li> <li>• Individual and collective AF</li> <li>• Uniqueness and role of a university &amp; AF as a property of that uniqueness</li> <li>• Management and practice,</li> <li>• Control/new managerialism</li> <li>• Examples</li> </ul>	<p>iv – VCs and AF ii - Management of AF, i –University? AF? Contested aspects. iii - Practice of AF.</p>

**APPENDIX THREE: Interview Semi- structured checklist** (Vice-Chancellor interviews, 2013/4)

**Section One - Setting the scene**

- a. How would you define a university?
- b. What does academic freedom mean to you/how would you define academic freedom?

**Section Two – Academic freedom, management and practice**

**a. Management-**

- Are you a member of governing council and or senate/academic board? How do these bodies work?
- Is there a role for trade unions in the senate?
- When was academic freedom last discussed at either of the above meetings?
- Have you had to deal with any problematic issues arising in relation to academic freedom?
- How is academic freedom presented in your university re policies/practices/internal literature/external literature?

**b. Practice -**

- How does the university prepare and educate its staff and academics on academic freedom?
- How far would the university consider academics to be free to choose their areas of research and where to publish?
- What would be the university's stance on academics being able to put forward and discuss new ideas and controversial and unpopular opinions?
- To what extent are academics able to select their own admissions, teaching and marking protocols?
- Are academics and staff allowed to discuss University affairs, inside/outside the university – what forms can this take? Are any parameters set?
- Do you consider that academic freedom may have a greater level of significance in some faculties/departments than others? Why might this be?

**Section Three - Vice-Chancellors and academic freedom**

- How do you see your role as a leader/academic leader?
- How far do you believe your level of influence reflects your understanding of academic freedom within the structure and practices within your university?
- Do you consider that you should be regarded as a champion of AF – if so how do you believe this to be evidenced? If not – why not?

Is there anything else you would wish to add regarding AF and its position within a modern university business unit of today?

THANK YOU

## APPENIX FOUR: Example of Thematic Analysis (colour coding activity). What is academic freedom? Question 2, Vice-Chancellor interviews.

Note; this example shows a set of themes that was to be further modified for the final working of the thesis. Those of `university`, `law` and `description` were removed and `published/externally promoted (society)` was relabelled later as `dissemination`.

University autonomy/independence/freedom research rigour/academic /experts published/externally promoted (society) law what it is/descriptive consequences

1a&2a not interviewed.

3a What is really important and one of the things that is good about xxxxx is this is enshrined in our statute and I don't know whether it is in any other universities but it certainly is here.

One of my responsibilities is to provide sufficient flexibility so academics can, er, pursue the research that they want to pursue lines of enquiry that can sometimes be controversial although let me make that clear that word isn't used, but with that controversy are elements of risk..... I think that's really important that we've got that because one of the things I have said..... is that universities need to be communities which can debate, look at and discuss difficult issues.

4a Academic freedom comes with being a member of the University and members of Universities have always had their own autonomy which is derived from the character, dominant character of the particular institution and that means the right to conduct research which is published and there should not be any restriction on what it is they can research.

5a....point of AF is that it enables people to make the best of their intellectual capabilities... what do I mean by that? They can develop networks, contacts, their subject areas to the best of their ability

6a AF is an important concept and to me a very important part of the nature of a universities and what I take AF to be is the freedom for individuals in their academic research and scholarship to challenge ideas, to introduce different perspectives, to be able to critique existing knowledge without fear of personal, retribitional or, er, negative consequences by generating different ways of looking at things.

7b It's a term for which refers to the I think ... perfectly.... I suppose .....the important principle of people who are studying in their particular topic and area of expertise who have the ability to ask challenging questions, to pursue unpopular or controversial lines of enquiry, and to publish and disseminate their findings which are based upon either on their theoretic position or empirical findings without fear of that compromising either their personal freedom or their academic ..or career.

8a AF - for me is quite limited. Academic freedom is the right of the scholar in his or her area of scholarship...To say and to conclude matters based on research...that may not please other people...but he or she should have their rights to do that un-restricted. Only in their area of speciality.....That's academic freedom

**9b** Well, we have a policy in place to protect AF, through senate, so, erm what that means in my understanding of it is the, the requirement of the universities, the requirements of a university to a) publicly acknowledge and b) respect the right of academics to work on areas, er, within the law, obviously, yeh, that are unfettered by interference from any form of external management.

**10b** Well let's place a bit of put a context to that, which is about university freedoms. I think one of the roles that universities play in society is to be the source of critique of the society of which they are a part without any fear or any favour. And I believe that a sign of a healthy society, and a healthy community that has as a part of it that source of independence and critique ... and I think for me AF stems from that institutional freedom in society to be a source of critique, so has the ability to express the views, well based, freely and without fear about matters that are of concern to society of which they are a part ... -and in exercising that AF it has to be rooted in the knowledge and understanding that being a part of an engaged academic community brings to the party.

**11b** AF is primarily once you have identified the subject area there aren't any limits other than those legally imposed on what you do with that subject matter, how you think about it. You don't have to tow a corporate line, erm, would be a very obvious one. For me it has got to be lawful but other than that, you can think what you like and come up with what you like, I expect it to be credible, rigorously supportable by evidence so complying with good academic standards, erm, but no limit on what you can do other than there are some things I can't afford to fund or the university can't afford to fund so there might be subject areas that we have to say sorry, that has to be in your own time. We can't allocate it because it is something we as a university don't do.

**12b**...very interesting question. If its true a university or an academic means community....then this brings up the issue that you may be talking about of indiv AF For me - -I would include, I still do research and see myself as an academic, I want to do individual research and be seen as having indiv AF and I am part of the academic community; there are different layers of that the institutional community, there is my employer and my university, I am also part of the academic peer group, and have to see AF in that context and part of the collective.

AF means freedom of enquiry, in the generic sense and that's what we employ our staff for understanding and to develop knowledge and so on.....

Where tension sometimes arises is from freedom of enquiry ....what about freedom of expression, what types of views can I more or less express and do I express them as an individual or as part of that community and which academic community, is the academic, or my subject peer or on behalf of my institution? Potential dangers,

For me AF is certainly freedom of enquiry and we must support, defend what is at the core about what a university must be.

**13b** not interviewed.

**APPENDIX FIVE: Extract of conversational interview with a Vice-Chancellor of an English university, 2014, indicating rich data retrieved.**

**Q - Do you know whether AF is mentioned specifically in literature or on the website?**

A - I am not sure I know the answer to that one but to the best of my knowledge it isn't. But that doesn't mean it's not, because clearly, I don't have the intimate knowledge of every corner of our documentation. So, other than being in the statutes as part of the foundation of the university, I am not aware of where else it is, if there is reference to it; but it is possible there is documentation in which, if you like, AF is presented.

**Q – So, how do you know it exists within the university?**

A - I think AF is one of those things where you know, er, when it is not present, not that it is present. Because I think there is a presumption of AF, er, in the model of operation which the university has and individual members of staff have and therefore it only becomes a question if any individual believes that something is going on which is challenging their AF.....I think that's right because it is such a well embedded concept in the academy within higher education that it is taken as read that's one of the operating conditions that academic staff will have in their day to day research, scholarship and teaching and therefore I think it only emerges as a problem if someone identifies there's a problem; where there is something going on or some process or constraint which means they feel their AF is being limited in some way.....

**Q - Erm, so given that you believe every university academic will have some notion of AF, how do they get that notion of AF? How is that imparted to them?**

A - That's an interesting concept. Erm, that's a difficult one, isn't it? It's one of those fundamental principles which is so embedded in the culture of the academy that it is just there and I think that if you were to, I am making a presumption, that if you were to, talk to any member of the academic staff, say is there AF and what does AF mean to you, then they would have a response to that and they would tell you that is an important part of the way they operate as an academic.

I am making that presumption because I think it also fair to say that, erm; there has been no point at which we have had a fundamental philosophical debate about the nature of AF and whether it is there. Erm, sorry about that. It's an interesting answer but it's not a tangible answer but, erm, I think that it is one of those presumptions about the culture of higher education; it is part of the culture, isn't it? Of course, a characteristic of culture is that often they are the unspoken principles and norms...The operating system which everyone takes for granted without having to be explicit about.....

**Q - How free are your academic colleagues to determine their own admissions, teaching standards, marking protocols etc.?**

A - Erm, there are, there is a balance between regulation, constraint and quality assurance and complete freedom to do what they wish, er, so clearly, like every university we have regulations for the development and approval, monitoring, evaluation and assessment of programmes so any development has to fit within those, within that sort of academic architecture for how the system works. In terms of the ideas that are delivered, or the concepts that are delivered and the content of particular programmes and courses, then that is largely for the academics that run those courses and are experts in those disciplines. So, the university wouldn't seek to say, you know, to our historians, this is the version of history which you must deliver because that would be impinging upon their academic freedom But we would impose upon them the fact they have got to, you know, design their courses in a particular structure and a particular balance between certain sorts of assessments, and erm, those sorts of generic constraints in the way that programmes are designed.

**APPENDIX SIX: Thematic Template** (V-C interviews – 2014 - Management and Practice of academic freedom).

<b>THEME</b>	<b>Details to be found in:</b>
<b>Initial themes</b>	
<b>1. Autonomy/independence/freedom</b>	Reference to legal definitions. Difference between Collective v individual, uni autonomy v individual freedom etc. Governance documentation. Management policies and processes (induction, departmental activities etc.). AF discussed at Senate. Trade unions/third party. Examples of practice. VC role
<b>2. Research</b> <b>3. Experts/rigour/academic/scholar</b>	University, academic freedom The ability to test perceived wisdom. Put forward new ideas. Status and knowledge of ac staff `Employee` debate. Consequences.
<b>4. Dissemination.</b>  Internally / teaching (Admissions Content Assessment)  Published/externally promoted elements	Internal dissemination, debates, internal publication, discussion, peer review, departments. Teaching students, freedom within classroom. Student response. Developing course, teaching materials, marking and assessment.  External dissemination, publication, conferences, news, media. New ideas and controversial opinions. Outside a person`s academic discipline. Putting uni into disrepute. Benefits to society. Third body representation. Governance link?
<b>5. Consequences</b>	Not placing university staff in jeopardy and fear of losing their jobs. Putting uni into disrepute. To students, stakeholders. Benefits to society etc.
<b>Explicit University link to AF</b>	Clear indication of relationship between the two.
<b>Emergent themes /tensions</b>	
<b>6. Limitations</b>	What isn`t covered by the term AF. Behaviour as employees. Competing levels of understanding. Power and politics. Who has overall control?
<b>7. Values</b>	University/organisational `shared` values. Culture. Business link. University branding. Corporate perspective. Ethics. Governance.
<b>8. Importance (of AF)</b>	Responsibility of, and to, senior academics (department and VC). Responsibility of, and to, university/third space professionals/business. Responsibility of, and to, academics. Responsibility to society.
<b>9.Intangible</b>	Understanding/clarity of AF within the university and by academic and other staff within it. Indefinable. Difficulty in articulation.

