|  |  |
| --- | --- |
| **Name of the country/entity submitting information** | Ireland (University College Dublin) |
| **Contact details (will be deleted from the published form)** | Tim.crowley@ucd.ie |

**Questions**

**General framework**

1. *How is academic freedom defined and protected in the constitution or laws of your country, and what are possible limitations or restrictions? Please provide the original citation and source, as well as a summary of relevant judicial practice, if any.*

Academic Freedom in Ireland is defined in and protected by the Universities Act, 1997, s. 14. The Act refers to the ‘traditional principles of academic freedom’, but offers the following statement:

‘A member of the academic staff of a university shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged, or subject to less favourable treatment by the university, for the exercise of that freedom.’

<https://www.irishstatutebook.ie/eli/1997/act/24/section/14/enacted/en/html#sec14>

1. *Are academic staff, teachers, students all entitled to academic freedom? Does this differ by level of education? Please explain.*

Academic Staff are the only class explicitly covered by the Universities Act. The UCD Statement on Academic Freedom (<http://tinyurl.com/23cza9k2>), however, refers to the Statement of the International Association of Universities (1998) ([www.unesco.org/iau/he/af/index.html](http://www.unesco.org/iau/he/af/index.html)), of which UCD is a member, wherein the principles of academic freedom extends to ‘members of the academic community–scholars, teachers *and* *students*’.

1. *What do you consider to be (a) the main challenges to academic freedom, and (b) gaps in the legal framework for protecting academic freedom?*

One of the main challenges is ignorance regarding academic freedom on the part of academics themselves. In a recent survey of academics based in Ireland, almost 30% disagreed with the proposition ‘I have an adequate working knowledge of the concept of academic freedom’. This was higher than the EU average. And in the same survey over 80% agreed that they ‘would like more information on the legislative protection for academic freedom in my nation’.

This is important, because it is clear that academics are taking up administrative roles without a good grasp of academic freedom, leading to the drafting of policies that either fail to take account of academic freedom, or would, if, or when, enacted, constitute breaches of academic freedom. One can certainly object to a draft, or indeed to a published, policy, on grounds that it undermines academic freedom, and thus draw this to the university’s attention, as I have done on more than one occasion, but even then the policy tends to be published, or maintained, regardless. This despite the clearly worded warning in the UCD Statement on Academic Freedom that ‘no policy should be adopted that would deliberately or inadvertently diminish or inhibit freedom of expression among members of the university–either staff or students’.

This problem highlights a related issue. There is very good protection *de jure* for academic freedom in Ireland. But there is *de* *facto* issue: a gap in the legal framework, in terms of the lack of redress, or enforcement principle. There is no dedicated office or tribunal to which one can turn if one believes that academic freedom has been breached. In the survey referred to above, to the proposition: ‘It is important that complaints of academic freedom violations can be directed to a departmental/faculty grievance body’, the percentage of respondents agreeing was almost 92% (40% strongly agreeing).

The survey I refer to was conducted by Professor Terence Karran, who prepared the expert report ‘Threats to academic freedom and autonomy of universities in Europe’, presented to the Council of Europe Committee on Culture, Science, Education and Media in 2019 (http://tinyurl.com/t243nb3s). The survey is not yet published; a copy may be given on request.

**Autonomy of educational institutions**

1. *Please explain the autonomy and self-governance enjoyed by educational institutions at the different tiers of education. Please explain what autonomy and self-governance entail. Are there restrictions on police or military personnel entering educational institutions? If so, please share the rules.*

The autonomy and self-governance principles were laid out in the Universities Act, 1997 (<https://www.irishstatutebook.ie/eli/1997/act/24/enacted/en/print>).

Please note, however, that the HEA (Higher Education Authority) Bill, 2022 (<https://www.gov.ie/en/publication/47c15-higher-education-authority-bill-2022/>), makes changes to governance which, with its reduction of the membership of the governing body, and the increase in external nominees, to the point where external members would be in the majority, threatens both university autonomy and self-governance. The Bill makes no mention of autonomy at all, ignoring the explicit recognition of autonomy in the Universities Act. It could be described as a direct attack on the autonomy of our universities. Nor does the Bill mention academic freedom anywhere, which raises deep concerns.

1. *Please provide examples of institutional guidelines/codes of conduct developed to ensure respect for academic freedom, including from external public or private actors.*

Apart from the UCD Statement on Academic freedom, there are no such examples. There was once a tradition of including a disclaimer in policy documents, similar to the sentence already quoted above from the UCD Statement on Academic Freedom: ‘It is not the intention of the University that this policy should undermine academic freedom, as defined in the Universities Act, 1997’. This has been dropped from updated and new policies art UCD, something which I first noticed in the updated Dignity and Respect policy draft in 2017, and to which I drew the then President’s attention. The President, Andrew Deeks, dismissed my concern.

In general, UCD policies have been shown to restrict free expression on campus to a very high degree, and thus to be in contravention of the UCD Statement on Academic Freedom (the relevant passage of this document is quoted above). For instance, in July 2022 I published the FIRE (the Foundation for Individual Rights and Expression) report on UCD—the first time this organisation had assessed free speech restrictions in a non-US university (<https://timcrowley.substack.com/p/fire-report-ucd>). According to this report, UCD would rank among the ten worst universities in the US for free speech. While this report was the subject of an article in a national newspaper (<https://www.irishtimes.com/culture/2022/07/07/is-free-speech-under-threat-in-irish-universities-a-ucd-audit-raises-concern/>), and was raised in parliamentary questions, it was ignored by the university itself.

As for external actors, perhaps the recently formed ‘Dublin Universities Academics for Academic Freedom’ society, a branch of the Academics for Academic Freedom organisation, might be described as, in its intent, a pressure group demanding compliance with academic freedom.

**Funding**

1. *How is funding, including for research, regulated? Is the process transparent, and are there any guarantees put in place to ensure respect for academic freedom?*

Funding is regulated by the Higher Education Authority. The recent Bill sets out to clarify the structure. The HEA advises the Minister for Further and Higher Education on the level of public funding required to enable Universities to fulfil their responsibilities.

As mentioned earlier, the lack of any reference to academic freedom in the HEA bill is a concern in itself, but also in relation to funding. It raises worries that funding may become subject to increasingly greater direct government control, to the expense of respect for academic freedom.

That such worries are justified is demonstrated in the most egregious threat to academic freedom currently in force in Ireland, namely, Athena Swan, participation in which is necessary to be eligible for funding. As a politically and philosophically partisan organisation, Athena Swan is a grave threat to academic freedom. AS takes—and demands from applicants—a partisan stance on a number of contentious issues, issues that are and should be areas of academic and political debate. It actually boasts in its literature that the decision of many funding bodies to tie eligibility for funding to holding an AS award is, quote, ‘an effective ‘stick’ to force universities and schools to apply for such awards, and thus commit to AS principles. This is appalling and should disgust anyone who believes in academic freedom—or freedom of speech in general.

1. *Which rules and regulations protect academic freedom from interferences by commercial actors and financial sponsors, at different tiers of education? Please explain how conflicts of interest that may arise are addressed.*

Unaware of any.

**Surveillance**

1. *Please explain whether and the extent to which academic staff and students, at all levels of education, are subject to surveillance by public authorities, for example through on-site cameras or online scrutiny. Has this led to undue restrictions to academic freedom and freedom of expression in educational institutions?*

The sort of surveillance once finds at UCD, that presents a threat to academic freedom and free expression on campus, is in the form an anonymous reporting tool, ‘Report + Support’, which has been identified as a threat to free speech on campus (https://www.thetimes.co.uk/article/student-software-stifling-free-speech-microaggressions-27mbbjmb8)

**Freedom of expression in teaching and access to books**

1. *Do teachers and professors, at all levels of education, enjoy freedom of expression in their own teaching? Are there any limitations imposed, such as remaining “neutral” or forwarding a particular perspective, e.g. on religious and political matters?*

Athena Swan, and the related Anti-Racism principles promoted by the HEA (https://hea.ie/2023/03/20/the-hea-launch-the-anti-racism-principles-for-irish-higher-education-institutions/), and recently signed into policy at UCD by the new President, Orla Feely (https://timcrowley.substack.com/p/an-open-letter-to-the-president-of), demands of academics support and active participation in a number of contentious social issues. This attempt to embed a particular, controversial perspective is a curb on freedom of expression and academic freedom.

*10. Please explain the extent to which teachers and professors at different education levels can chose school manuals and other books/resources for teaching, and the reasons for any restriction in this regard. Have any specific books/materials been banned, including from school libraries, and alternatively is some material mandatory? If so, why?*

Not that I am aware.

**How to submit information**

Submissions should be sent electronically no later than **2 February 2024 to** [hrc-sr-education@un.org](mailto:hrc-sr-education@un.org), using the email title: “Contribution: Academic freedom”.

Please select and answer the questions most relevant for your agency. Kindly limit your responses to **3,000 words** and attach annexes where necessary. To facilitate their consideration, please send responses in a Word document, and in English, French, or Spanish. **Please clearly specify the entity making the contribution on the document itself and add paragraph numbers**.

All inputs received will be posted on the OHCHR website. Please indicate if you have any objections regarding to your reply being posted on the OHCHR website.