

Observatory for Fundamental University  
Values and Rights

# Past, Present and Future of the Magna Charta Universitatum

Celebrations of the XX Anniversary  
of the Magna Charta Universitatum

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## Contents

<i>Preface</i> Bastian Baumann, Secretary General Magna Charta Observatory, Bologna	11
<i>Presidential Address</i> Giorgio Napolitano, President of the Republic of Italy	15
<i>Foreword</i> Pier Ugo Calzolari, Rector University of Bologna	17
<i>The Magna Charta Universitatum: 20 Years of Lively Relevance for the Future</i> Michael Daxner, President of the Council of the Magna Charta Observatory, Bologna	21
<i>KEYNOTE ADDRESS</i> <i>The Purpose of Academic Freedom Today</i> Danilo Türk, President of the Republic of Slovenia	29

<i>From the Origins of the University in Europe to the Universities of the Globalisation</i>	45	<i>Academic Freedom and the Individual Scholar: Practical Strategies for Positive Impact</i>	165
Josep Bricall, former Rector University of Barcelona		Robert Quinn, Executive Director Scholars at Risk Network, New York	
Fabio Roversi-Monaco, Honorary President Magna Charta Observatory, Bologna			
<i>Academic Freedom Facing Major Challenges in Afghan and Central Asian Higher Education Institutions</i>	75	<i>Higher Education in Egypt and the Middle East A Magna Charta Universitatum Perspective</i>	183
Sharif Fayeze, Founding President The American University of Afghanistan		Mohamed Loutfi, Director of International Development, University of Wales Institute, Cardiff	
<i>Making Academic Freedom and Institutional Autonomy Real in Boundary Conditions: Some Issues from African Higher Education</i>	89	<i>The Relevance of the Magna Charta Universitatum for Colombia and Latin America</i>	193
Mala Singh, Professor Open University, United Kingdom		Moises Wasserman, Rector National University of Colombia	
<i>Public Responsibility and Institutional Autonomy Where is the Balance?</i>	99	<i>Autonomy and Academic Freedom in Africa</i>	199
Sjur Bergan, Head of Department of Higher Education, Council of Europe, Strasbourg		Oludare Ogunlana, Secretary General, All-Africa Students Union, Ghana	
<i>Student Freedom in University Life</i>	127	<i>Institutional Autonomy and Academic Freedom in North America</i>	205
Ligia Deca, Chairperson, European Students' Union, Brussels		Robert L. Caret, President Towson University, USA	
<i>Counterpoints</i>	135	<i>Concluding remarks</i>	213
Eva Egron-Polak, Secretary General, International Association of Universities, Paris		Kenneth Edwards, former Rector, University of Leicester, United Kingdom	
Martina Vukasovic, Director, Centre for Educational Policy, Serbia	147	<i>The speakers</i>	219
<i>Universities Addressing Global Challenges</i>	159	<i>Magna Charta Observatory Publications</i>	233
Georges Haddad, Director Division Higher Education, UNESCO, Paris			

## Student Freedom in University Life

*Ligia Deca,  
Chairperson European Students' Union, Brussels*

To provide a contribution on academic freedom is challenging. It is challenging because the concept of academic freedom has never really been associated with the students. When we talk about academic freedom, we think of teachers and researchers not of students.

The concept of academic freedom is intimately linked to "freedom" as a fundamental human right. When analysing the definition of this concept from the viewpoint of the members of the academic community, we discover multiple facets that enrich the common understanding of what it actually entails. In the classical academic understanding, academic freedom means the right to express a reasoned opinion, but for students the practical focus is more on the freedom to express critical opinions and on the right to form an association. Also, as professor Jon Torfi Jonasson mentions in his latest study "If academic freedom refers to independence from all restraining forces that may pervert in any

way the accumulation, preservation or transmission of knowledge, it also implies some liberty of choice as far as the content and methods allowing for the best study of a particular field.”<sup>1</sup> Although I do agree that the freedom of researchers to choose their own knowledge path and their methodologies is essential, the concept should be understood in a broader manner. Students also have the right to active participation in the learning and research process and to an equitable education system that a modern concept of academic freedom should encompass.

If we go back to the early years of the University of Bologna, we will find that the law students resorted in student guilds to protect themselves from the financial opportunism of the citizens of the city. These guilds emulated other corporate organisations that were customary in the economical and social life of the medieval towns and were known as *universitates*. Stephen Lay tells us in his essay “The Interpretation of the *Magna Charta Universitatum*” that “by 1195 the students of Bologna organised themselves into two universities, one for Italian and the other for non-Italian students. Each group elected their own leaders, rectors and other officials. These organisations proved very effective in protecting the rights of the students in the face of civic impositions”<sup>2</sup>.

If we consider the developments in the academic community and the student movement in Europe over

<sup>1</sup> *Inventing tomorrow's University: Who is to take the lead?* (2008).

<sup>2</sup> Lay S., *The Interpretation of the Magna Charta Universitatum and its Principles*.

the last years, it is remarkable that the need for students to organise themselves created such extraordinary results. This episode is a historic lesson of the potential that student associations have in the development of the academic community as a whole and in fostering the values of academic freedom. Unfortunately, the right to associate or to express critical opinions is seriously hindered in many countries around the globe. The European Students' Union (ESU) has been trying to foster academic freedom and to empower student organisations to defend students' rights.

Students are facing two different forms of abuse of power: violations against the natural right to association/expression and corruption/academic malpractice. These problems are equally affecting academic freedom and the way in which we perceive institutional autonomy. While violations against freedom of expression are often direct and harsh (expulsion, imprisonment, torture), the latter are often subtle and oblique (bribes, sexual abuses). There is an obvious need for addressing both nuances with adequate measures and for strong support from the academic community and international organisations.

The strong cooperation between ESU and the Magna Charta Observatory has been a cornerstone for redressing academic malpractice. Both organisations have benefited from each other's perspectives and embarked on concrete projects for eradicating corruption in all its forms. Nevertheless, there are still many challenges to academic freedom and academic integrity all around the globe, including the Western world.

However, there is also always a reactive force and therefore we can see a number of good practice exam-

ples in different countries that encourage us to continue fighting the infringement of academic freedom, academic integrity or human rights. In both Romania and Serbia, coalitions of stakeholders including student unions, teachers' trade unions, university administrations, NGOs and ministry representatives have undertaken anti-corruption campaigns. These campaigns raised the public's awareness and led to sound initiatives related to watchdog activities for the academic communities, but also brought about concrete changes such as the universities becoming more transparent to the society or the introduction of ethical criteria in quality assurance exercises.

Another example is a change in the Norwegian law on higher education. The law now states that universities and colleges shall create an understanding for the principles behind academic freedom. After a proposal from Norwegian students, the law also specifies that these principles shall be communicated as a part of the teaching process.

We can conclude that there is a need for support from university leaders to protect student freedom and to fight academic malpractice. Since corruption is a very delicate subject, the mere acknowledgement of its existence is perceived as an attack on the prestige of the university. Hence, HEI governance bodies, academic staff and sometimes-even students deny the phenomenon. As Vanja Ivosevic rightly points out: "Many professors feel as if they might be betraying their colleague instead of considering that they are betraying their students and the quality of the institution. Often, a fear for their own position at the HEI is present, as well as the fear of possible pressures that other colleagues might apply infor-

mally. However, the only way to keep the reputation of all teachers intact, as well as the quality of HEI, is to sanction, openly and quickly, those individuals who are involved in academic malpractice"<sup>3</sup>.

Academic malpractice is a disease that affects all regions and universities in Europe and often derives from an abuse of power. Some universities already have an ombudsman handling complaints and trying to solve unjust situations. For the system to be effective there is a need for a European equivalent, that will ensure academic integrity at a larger scale, by acting as a higher court of appeal for students and teachers. There is a need inside the universities, but also outside, on the international level.

Concretely, universities need to learn how to establish procedures to tackle these problems. Formalised, well-implemented and widely accepted procedures create trust in the institution, its teachers and staff, as well as its quality. An institution's commitment to integrity is seriously questioned when such procedures do not exist, are not applied, are used arbitrarily or are not functional.

We have realised that these problems do not disappear in a move to a more industrial society or with membership of the EU. In fact, research is showing that more and more new problems of academic malpractice are arising (because of the standardisation of education, the Internet, commercialisation, or political pressure on global themes such as climate change). Therefore, an

<sup>3</sup> Ivosevic V., *Academic Malpractice: Threats and Temptations*, in *The Management of University Integrity*, Magna Charta Observatory, 2008.

ethical code alongside functioning procedures should be developed by all higher education stakeholders with the help of international organisations that have already accumulated experience in this field.

There is a need to continue addressing these issues publicly, as academic malpractice is not disappearing, but diversifying in light of the new challenges that have an impact on university missions and systems of governance. Strong communication networks formed by student organisations will ease unsheathing complaints regarding academic malpractice at national and international level, sharing good practice examples of fighting infringements of academic freedom. Furthermore, student unions need the continued cooperation with the Magna Charta Observatory as a moral authority and source of expertise.

The *Magna Charta* itself broadens the understanding of academic freedom: "Each university must – with due allowance for particular circumstances – ensure that students' freedoms are safeguarded, and that they enjoy concessions in which they can acquire the culture and training which is seen as their purpose to possess." These student rights include:

- The right to freedom of expression and thought
- The right to actively participate in the learning process and to take full advantage of it
- The right to association
- The right to co-governance in all decision making bodies.

In practice, this means that students should be able to:

- Express themselves in classrooms and outside the university, without fearing any reprehension, academic or political pressure

- Choose their own study programmes, subjects, final thesis topics, seminar topics and benefit from student centred learning and flexible learning paths
- The right to free access to adequate means of support in order to take up, progress through and complete their educational programme
- The right to organise themselves freely in legally recognised entities. Students must not suffer academic, financial or legal consequences stemming from such involvement.

All these basic student freedoms are intrinsically linked with the recent ongoing reforms in higher education. The Bologna Process has put a significant emphasis on equity in higher education. It also defines student participation as a *conditio sine qua non* for changing the paradigm in higher education.

Student centred learning is usually declared as highly desirable, but hardly achievable. It implies very practical changes in the design of curricula, course content, pedagogical methods, but also a change of mentality towards students as full partners in the educational process. This obviously generates a cascade of effects over the universities that have been accepted on a declarative level, but are rarely seen on the ground.

Therefore, the Bologna Process has not only generated the transformation of university missions, objectives and formal structures, but it has been a true vehicle for liberation by empowering student in the academia.