

## Response to UKRI REF 2029 on People, Culture and Environment indicators

### Introduction

1. The following is the Office for Students' (OfS's) submission to the ongoing UKRI informal consultation on the Research Excellence Framework (REF), with a particular focus on the People, Culture and Environment (PCE) indicators.
2. We are submitting this response following a series of engagements between UKRI/Research England and the OfS Director for Freedom of Speech and Academic Freedom. The main theme of those discussions was that UKRI would welcome input from the OfS in relation to:
  - a. inclusion: whether PCE indicators should include an academic freedom element
  - b. evidence: what the evidence base relating to academic freedom might include
  - c. assessment: how the evidence base relating to academic freedom might be assessed.
3. The response also follows the coming into force, on 1 August 2025, of new duties on registered higher education providers in England, in relation to freedom of speech (including academic freedom). As set out below, the PCE raises **potential risks of statutory and regulatory non-compliance**.
4. This response sets out:
  - a. Academic freedom: definition, importance and risks
  - b. Background on current and forthcoming legislation and regulation
  - c. Legal and regulatory risks
  - d. Academic freedom element of PCE: inclusion, evidence and assessment
  - e. Summary of recommendations
  - f. Next steps.

## A. Academic freedom: definition, importance and threats

### Definition of academic freedom

5. There are several definitions of 'academic freedom', including the definitions of UNESCO and of the American Association of University Professors.<sup>1</sup> Here we define academic freedom in the terms of the Higher Education and Research Act 2017 (HERA), as amended by the Higher Education (Freedom of Speech) Act:

it is the freedom within the law of academic staff at higher education providers

- a. to question and test received wisdom, and
- b. to put forward new ideas and controversial or unpopular opinions,

without placing themselves in jeopardy of losing their jobs or privileges they may have at the providers, or of the likelihood of their securing promotion or different jobs at the provider being reduced.<sup>2</sup>

The wording of this definition is descended from that in the Education Reform Act 1988, which abolished tenure for academics but included a requirement to protect the academic freedom of individual academics as an intended safeguard.<sup>3</sup>

### The importance of academic freedom

6. We consider that inclusion of an academic freedom element to the PCE criterion is very important to the task of supporting high quality research, engagement and impact. This is because there is strong evidence that academic freedom is a prerequisite of high quality research.
7. Evidence for this claim goes back for centuries and includes many well-known historical episodes such as those involving Galileo, Giordano Bruno and Lysenko. More recently, a 2024 study measured the correlation between academic freedom and (a) volume of research output and (b) quality of research output, at a national level across 17 countries over 27 years.<sup>4</sup> The study found that, after controlling for economic and higher education variables, a one-point increase in the chosen academic freedom scale correlated with a 7 per cent increase in science, technology, engineering and maths (STEM) publication volume ( $p < 0.05$ ) and a 15

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<sup>1</sup> See <https://www.unesco.org/en/legal-affairs/recommendation-concerning-status-higher-education-teaching-personnel> and <https://aaupuc.org/resources/aaup-core-principles/#:~:text=The%20academic%20freedom%20of%20faculty,their%20views%20are%20in%20conflict>.

<sup>2</sup> See <https://www.legislation.gov.uk/ukpga/2017/29/section/A1> sect. A1(6)-(7).

<sup>3</sup> See <https://www.legislation.gov.uk/ukpga/1988/40/section/202>.

<sup>4</sup> See Fernandez F, Chykina V, Lin YC (2024) Science at risk? Considering the importance of academic freedom for STEM research production across 17 OECD countries. PLoS ONE 19(2): e0298370. <https://doi.org/10.1371/journal.pone.0298370>.

per cent increase in a country's STEM publications in academic journals ranked in the first quartile ( $p < 0.001$ ).<sup>5</sup> The authors conclude that:

As a concept, academic freedom is not just about individual rights. It exists as a public good to protect universities and researchers so that they can pursue knowledge that benefits society... Repressing academic freedom may not just 'chill' individual faculty members' speech, it may inhibit the global research enterprise in what is supposed to be the 21st-century knowledge economy.<sup>6</sup>

8. The study is evidence that academic freedom often has a measurably positive impact on the quality and quantity of research output. Therefore, it is evidence that promoting academic freedom can enhance research activity in the UK.
9. There is also strong evidence that academic freedom contributes positively both to quantity and quality of innovation and to economic growth. This is hardly surprising. Innovation drives economic growth and itself arises most vigorously in an atmosphere of unconstrained intellectual exploration.<sup>7</sup> For instance, one recent study of 157 countries over 116 years suggests that a one standard deviation increase in academic freedom increases the average number of patent applications two years later by between 3761 per cent ( $p < 0.01$ ); independently of quantity it increases the average number of forward patent citations five years later by between 54216 per cent ( $p < 0.01$ ).<sup>8</sup> Another study, of up to 127 countries over 55 years, shows that there is a positive relationship between academic freedom and both labour and total factor productivity growth in countries (such as the UK) with high quality legal systems ( $p < 0.05$ ).<sup>9</sup>

### **Risks to academic freedom**

10. On the other hand, there is evidence that academic freedom is under threat in the UK. OfS polling of about 1,200 research and teaching staff in higher education in England, published in June 2025, found that:
  - a. More than one in six (16 per cent) of surveyed academics do not feel free to discuss challenging or controversial topics in their research.
  - b. For those who do not feel free, reasons include fear of professional consequences (cited by 73 per cent), pressure from senior staff (44 per cent) and fear of physical attack (20 per cent).

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<sup>5</sup> The study measures academic freedom using the corresponding variable in the V-DEM academic freedom index, which ranks countries for academic on a scale of 0-4. See [https://academic-freedom-index.net/research/Academic\\_Freedom\\_Index\\_Update\\_2024.pdf](https://academic-freedom-index.net/research/Academic_Freedom_Index_Update_2024.pdf).

<sup>6</sup> Fernandez et al. *ibid*.

<sup>7</sup> Aghion, P., Dewatripont, M. and Stein, J.C. (2008), Academic freedom, private-sector focus, and the process of innovation. *The RAND Journal of Economics*, 39: 617-635. <https://doi.org/10.1111/j.1756-2171.2008.00031.x>

<sup>8</sup> Audretsch DB, Fisch C, Franzoni C, Momtaz PP, Vismara S (2024) Academic freedom and innovation. *PLoS ONE* 19(6): e0304560. <https://doi.org/10.1371/journal.pone.0304560>

<sup>9</sup> Berggren, N., & Bjørnskov, C. (2022). Academic freedom, institutions and productivity. *Southern Economic Journal*, 88(4), 1313-1342. <https://doi.org/10.1002/soej.12561>

- c. Significantly more women than men feel unfree to discuss challenging or controversial topics in their research (21 per cent compared with 10 per cent).
  - d. The most often-mentioned topics that academics do not feel free to discuss in their research are:
    - i. Sex and gender (62 per cent of those who do not feel free in their research)
    - ii. Race and racism (57 per cent)
    - iii. Immigration (49 per cent)
    - iv. Religion (47 per cent).<sup>10</sup>
11. The latest edition of the annual Academic Freedom Index<sup>11</sup> suggests that the UK was between 60th and 70th out of 179 countries across the world for academic freedom in 2024.<sup>12</sup> This is well below other European countries such as Germany, Italy, Spain and France. When compared to the 2015 index, the UK was one of the countries where the Index identified substantial and statistically significant decreasing academic freedom.
12. Similarly, in a recently published UCU survey of its members (with responses from 2,100 UK academics), 81.3 per cent of respondents strongly agreed that academic freedom in research was important for wellbeing and performance. The survey focused on threats to academic freedom created by online institutional surveillance of research topics, methodology, outputs and so on. The overwhelming majority of respondents (87.2 per cent) indicated that they thought that the current trajectory of digital monitoring would lead to reductions in academic freedom.<sup>13</sup>
13. Academics who feel that they may suffer professional consequences for pursuing controversial research areas may be discouraged from engaging with these research areas. This in-turn could result in these areas being under-researched.
14. In the light of the importance of academic freedom and the risks to it outlined here, the inclusion of PCE indicators in the 2029 REF assessment exercise creates both risks (see section C) and opportunity (see section D).

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<sup>10</sup> See [www.officeforstudents.org.uk/publications/freedom-of-speech-in-higher-education-survey-outcomes/](http://www.officeforstudents.org.uk/publications/freedom-of-speech-in-higher-education-survey-outcomes/).

<sup>11</sup> See <https://academic-freedom-index.net/>.

<sup>12</sup> This ordering uses the published country point estimates but does not account for the statistical uncertainty associated with the estimates, therefore it is possible that the true position of the UK is higher or lower than presented.

<sup>13</sup> See 'Academic Freedom in the Digital University' (2024) [https://www.ucu.org.uk/media/14406/Academic\\_Freedom\\_in\\_the\\_Digital\\_University\\_Report/pdf/Academic\\_Freedom\\_in\\_the\\_Digital\\_University\\_Report.pdf](https://www.ucu.org.uk/media/14406/Academic_Freedom_in_the_Digital_University_Report/pdf/Academic_Freedom_in_the_Digital_University_Report.pdf).

## B. Background on current and forthcoming legislation and regulation

### Current legislation and regulation

15. The Higher Education (Freedom of Speech) Act 2023 received Royal assent in May 2023.<sup>14</sup> In August 2025, several key elements of this legislation came into force in England, including:
- a. the ‘secure’ duty: a duty on universities and colleges to take reasonably practicable steps to secure freedom of speech within the law. This includes academic freedom, defined as the freedom of academic staff within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of losing their jobs or privileges at their institution, or at risk of a reduced likelihood of their securing promotion or different jobs there being reduced;<sup>15</sup>
  - b. the ‘code’ duty: a duty on universities and colleges to put in place codes of practice setting out how they will discharge their duties in relation to freedom of speech and academic freedom, higher education providers’ values in relation to freedom of speech and their procedures in relation to organising meetings and other activities; and
  - c. the ‘promote’ duty: a duty on universities and colleges to promote the importance of freedom of speech and academic freedom in the provision of higher education.<sup>16</sup>

The OfS has recently issued guidance on the ‘secure’ and ‘code’ duties.<sup>17</sup>

16. Other duties on UK and English institutions that relate to freedom of speech and academic freedom include:
- a. The duty in the Human Rights Act 1998 on public authorities such as universities and colleges not to act in a way that is incompatible with a Convention right.<sup>18</sup> This includes the right to freedom of expression as set out in Article 10(1) of the Convention. Article 10(1) encompasses protections for academic freedom. The European Court of Human Rights has affirmed that academic freedom as protected by the Convention includes freedom to ‘disseminate information and freedom to conduct research and distribute knowledge and truth without restriction.’<sup>19</sup> The Human Rights Act applies across the UK.
  - b. Universities and colleges must also comply with the requirements of equality law. These are set out in the Equality Act 2010.<sup>20</sup> They include the Public Sector Equality Duty (PSED), which requires public authorities to have due regard to the need to:

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<sup>14</sup> See <https://www.legislation.gov.uk/ukpga/2023/16/contents>.

<sup>15</sup> HERA Part A1 sect. A1(10). See <https://www.legislation.gov.uk/ukpga/2017/29/section/A1>.

<sup>16</sup> See <https://www.gov.uk/government/publications/the-future-of-the-higher-education-freedom-of-speech-act-2023>.

<sup>17</sup> See [www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/](http://www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/).

<sup>18</sup> See <https://www.legislation.gov.uk/ukpga/1998/42/contents>.

<sup>19</sup> See *Sorguc v. Turkey* (2009) ECHR 17089/03 and *Kula v. Turkey* (2018) ECHR 20233/06.

<sup>20</sup> See <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

- i. eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Public Sector Equality Duty applies in England, Scotland and Wales.

- c. The Counter-Terrorism and Security Act 2015 requires 'Relevant Higher Education Bodies', which includes universities, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into or supporting terrorism (the 'Prevent' duty). But it also requires that, in carrying out this duty, it must have particular regard to the importance of academic freedom.<sup>21</sup> The Prevent duty, and the associated duty in relation to freedom of speech, is applied differently in England and Wales, compared with Scotland.
- d. The OfS's conditions of registration for English higher education providers include (as part of conditions E1 and E2) requirements to have in place governing documents that uphold the Public Interest Governance Principles (PIGPs), and to have in place adequate and effective management and government arrangements to deliver in practice the PIGPs that are applicable to it. These include Principles I and VII relating to academic freedom (including research) and freedom of speech.<sup>22</sup>
- e. From 1 August 2025, these conditions of registration have included a new condition E6 relating to harassment and sexual misconduct. This includes reference to freedom of speech principles at section 6.8. Higher education providers are required to comply with the requirements of condition E6 in a manner which is consistent with the freedom of speech principles laid out in that condition. Those freedom of speech principles require providers to apply a rebuttable presumption to the effect that students being exposed to any of the following is unlikely to amount to harassment:
  - i. the content of higher education course materials, including but not limited to books, videos, sound recordings and pictures;
  - ii. statements made and views expressed by a person as part of teaching, **research** or discussions about any subject matter which is connected with the content of a higher education course.<sup>23</sup>

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<sup>21</sup> See <https://www.legislation.gov.uk/ukpga/2015/6/contents> sect. 26 and sect. 31(2)(b).

<sup>22</sup> See [www.officeforstudents.org.uk/for-providers/registering-with-the-ofs/registration-with-the-ofs-a-guide/conditions-of-registration/](http://www.officeforstudents.org.uk/for-providers/registering-with-the-ofs/registration-with-the-ofs-a-guide/conditions-of-registration/).

<sup>23</sup> See [www.officeforstudents.org.uk/for-providers/student-protection-and-support/harassment-and-sexual-misconduct/prevent-and-address-harassment-and-sexual-misconduct/freedom-of-speech/](http://www.officeforstudents.org.uk/for-providers/student-protection-and-support/harassment-and-sexual-misconduct/prevent-and-address-harassment-and-sexual-misconduct/freedom-of-speech/).

## Forthcoming legislation and regulation

17. The free speech duties in HERA have applied to institutions since 1 August 2025. We expect two enforcement mechanisms that are tied to these duties to come into force in forthcoming primary legislation.
18. The expected complaints scheme will be open to staff and visiting speakers (not students) to bring complaints about certain types of breaches of the free speech duties. Students will continue to have access to the Office of the Independent Adjudicator (OIA) complaints scheme for their unresolved complaints. The scheme will cover complaints about providers or their 'constituent institutions' (e.g. colleges within a collegiate university), but not students' unions. It will also give the OfS the power to consider complaints, rather than an obligation to consider every complaint.
19. In addition, we expect that the new legislation will allow the OfS to impose a registration condition on free speech related to the duties under HERA. The OfS's existing powers to enforce conditions of registration mean that it will be able to impose requirements on universities and colleges, to fine them and ultimately to suspend or revoke their access to public funding if they are found to be in breach.

## C. Legal and regulatory risk

20. The OfS is concerned that the PCE assessment framework may increase the risk that universities and colleges will breach their legal and regulatory obligations for academic freedom. In particular, the OfS is concerned that the framework could encourage universities to act incompatibly with their statutory duties to take steps to secure and to promote freedom of speech, including academic freedom for their researchers and for other academic staff. The reasons for the OfS's concerns in this respect are explained below.

### Strategy

21. For instance, one of the factors in the Pilot Assessment Framework is Strategy. Under this heading, the following is included as examples of 'qualitative evidence and contextual information':

Evidence of external standards and improvement mechanisms in decision making and strategic initiatives. Achieving an external accreditation and complying with a Concordat is not necessarily an indication of excellence, but examples of such external standards may be used to explain and justify the approaches taken. Examples may include the Concordats, Athena Swan, the Race Equality Charter, and Disability Confident Employer, among others.<sup>24</sup>

22. However, the 'secure' duty may (depending on the facts and circumstances) require institutions not to adopt charters or seek accreditations which, depending on the content/requirements of that particular charter or accreditation, could put them in breach of the secure duty. This may happen, for instance, where a charter or accreditation body requires that a university adopts a position on sex and gender, or on race, that chills or obstructs lawful but controversial research into those subjects.

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<sup>24</sup> See <https://2029.ref.ac.uk/publication/pce-pilot-exercise-guidance/#section-the-assessment-framework>.

23. Regulatory advice 24, which is the OfS's guidance on freedom of speech, states:

- a. Staff and students should be free to undertake academic research within the law. This freedom should not be restricted or compromised in any way because of a perceived or actual tension between:
  - i. any conclusions that the research may reach or has reached or the viewpoint it supports, and
  - ii. the organisation's policies or values.

Nor should it be restricted or compromised in any way because of any external pressure connected with a. If funding bodies exert pressure on researchers to reach or to avoid particular results, amending or terminating these funding arrangements is likely to be a reasonably practicable step for providers and constituent institutions to take.<sup>25</sup>

- b. Not implementing the provisions of any accreditation that risks undermining free speech and academic freedom is likely to be a reasonably practicable step that [a university or college should take].<sup>26</sup>

24. We consider it important that the PCE does not, by its use of examples of evidence or otherwise, encourage or require institutions to seek accreditations or external policy frameworks that risk breaching their statutory duties and/or regulatory requirements. We consider that it would be helpful to be clear in this context that institutions should always be mindful of their legal and regulatory obligations, including in respect of academic freedom, and ensure that they are acting lawfully.

## Inclusivity

25. Another factor in the Pilot Assessment Framework is inclusivity. Under this heading, the following are included as examples of qualitative evidence:

- a. Documented evidence that leadership of equality (or equity), diversity and inclusion (EDI) initiatives is appropriately recognised (e.g. in workloads or promotion criteria).
- b. Activities to prevent harassment and bullying, including awareness-raising, training and the creation of safe spaces.
- c. Monitoring and assessment of the effectiveness of policies and initiatives to address under-representation and inequalities at different career stages, as relevant to the institution or unit.<sup>27</sup>

26. None of these activities are necessarily in tension with the 'secure' duty. For instance, Regulatory advice 24 states that 'Providers and constituent institutions will wish to have robust anti-bullying and anti-harassment policies. The legal duty to take reasonably practicable steps

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<sup>25</sup> See [www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/](http://www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/) at paragraph 195.

<sup>26</sup> See example 52 of [www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/](http://www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/).

<sup>27</sup> See <https://2029.ref.ac.uk/publication/pce-pilot-exercise-guidance/#section-the-assessment-framework>.



to secure freedom of speech does not prevent them from doing so.’<sup>28</sup> However, it is important that institutions carry out these activities in a way that is consistent with their academic freedom duties.

27. The equality duties of universities and colleges are set out in the Equality Act 2010.<sup>29</sup>

Regulatory requirements on registered English providers in relation to addressing harassment and sexual misconduct are set out in OfS condition of registration E6.<sup>30</sup> In meeting these duties and requirements, and when taking any additional steps in relation to EDI, registered English providers have a statutory duty to take reasonably practicable steps to secure freedom of speech within the law, including academic freedom in relation to research.

28. Regulatory advice 24 states that:

- a. The [duty to secure free speech] does not cease to apply where a provider or constituent institution sets standards for how employees talk to one another and/or to students. Nor does it cease to apply in relation to any non-legally binding recommendations of any charter, report or review in so far as these may restrict or regulate lawful speech. Providers and constituent institutions should not set such standards or implement such requirements as are incompatible with the ‘secure’ duty.<sup>31</sup>
- b. When framing their own equality policies, providers and constituent institutions may find it helpful to take the following steps, which taken together are likely to reduce risks of non-compliance with the ‘secure’ duty:
  - i. use legal definitions where these are available
  - ii. incorporate objective tests where appropriate, for instance in relation to harassment
  - iii. avoid vague language or undefined terms
  - iv. include clear, adequate and effective ‘safeguard’ statements protecting academic freedom and freedom of speech within the law (for instance, to the effect that where a policy conflicts with academic freedom, the latter prevails).<sup>32</sup>
- c. Providers and constituent institutions should not require applicants for academic promotion to commit (or give evidence of commitment) to values, beliefs or ideas, if that may disadvantage any candidate for exercising their academic freedom within the law. For

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<sup>28</sup> See [www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/](http://www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/) at paragraph 99.

<sup>29</sup> See <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

<sup>30</sup> See [www.officeforstudents.org.uk/for-providers/student-protection-and-support/harassment-and-sexual-misconduct/condition-e6-harassment-and-sexual-misconduct/](http://www.officeforstudents.org.uk/for-providers/student-protection-and-support/harassment-and-sexual-misconduct/condition-e6-harassment-and-sexual-misconduct/).

<sup>31</sup> See [www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/](http://www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/) at paragraph 28.

<sup>32</sup> See [www.officeforstudents.org.uk/media/1mvnscr1/regulatory-advice-24-freedom-of-speech-guidance.pdf](http://www.officeforstudents.org.uk/media/1mvnscr1/regulatory-advice-24-freedom-of-speech-guidance.pdf) following paragraph 95.

instance, they should not require candidates for promotion to submit a statement of evidence of commitment to equality (or equity), diversity and inclusion (EDI).<sup>33</sup>

29. The PCE should not, by its use of examples of evidence or otherwise, encourage or require providers to take steps in relation to EDI, such as the adoption of promotion or appointment policies or in relation to research that risk breaching their statutory duties or regulatory requirements in relation to academic freedom. We consider that it would be helpful to be clear in this context that institutions should always be mindful of their legal and regulatory obligations including in respect of academic freedom, and ensure that they are acting lawfully.

## **Recommendation**

30. The academic freedom duties on registered English providers are demanding, and institutions are required to act lawfully and meet these requirements. We ask UKRI to ensure that the assessment framework address risks to academic freedom, and that the final framework makes it completely clear that providers are required to act lawfully and meet their legal and regulatory duties and requirements in respect of academic freedom. We are happy to work with UKRI towards achieving this.

## **D. Academic freedom element of PCE: inclusion, evidence and assessment**

### **Inclusion**

31. Conversely, including an academic freedom element within the PCE evaluation could assuage concerns raised about the assessment process by demonstrating that academic freedom is at the centre of the assessment process. Providers and academics could be sure that academic freedom would be an important consideration within the REF process. and would be incentivised to consider their academic freedom within their work.
32. Under the Higher Education (Freedom of Speech) Act 2023, higher education providers in England have a duty to protect and promote academic freedom, set out above in paragraph 15. A REF which encourages providers to pursue areas of evaluation at the expense of academic freedom could lead to providers taking decisions about research which have a negative impact on academic freedom at the institution. However, these duties will also mean that providers in England will already have processes and policies in place to promote and secure academic freedom, and should also monitor the effectiveness of their efforts in this area. This in turn will mean that it will not pose a significant administrative burden to report on this as part of the REF.

## **Recommendation**

33. We therefore consider that there is a strong case that any research evaluation exercise should prominently include an academic freedom element, reflecting the extent to which a unit supports and promotes freedom for all staff and research students 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.

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<sup>33</sup> See [www.officeforstudents.org.uk/media/1mvnscr/regulated-advice-24-freedom-of-speech-guidance.pdf](http://www.officeforstudents.org.uk/media/1mvnscr/regulated-advice-24-freedom-of-speech-guidance.pdf) at paragraph 151 and example 32 (which is paraphrased rather than quoted).

## Evidence

34. At the institutional level, evidence could take documentary form. Documentary evidence might include policies and processes related to (for instance):
- a. Admission, appointment, reappointment and promotion policies/processes
  - b. IT policies and processes, including those relating to acceptable use and to surveillance of social media in relation to the conduct or dissemination of research
  - c. Prevent duty policies/processes
  - d. Research ethics policies/processes
  - e. Research training handbooks or related induction materials
  - f. Statutory code of practice relating to speaker events.<sup>34</sup>
35. At the departmental level, higher education institutions might also be required to submit narrative evidence of an environment in which 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 they may have at those institutions. These could cover a wide range of contents, but they may (for instance) cover:
- a. Initiatives designed to promote academic freedom, or the importance of academic freedom, in relation to research. What is appropriate will vary across disciplines, but these might include guest seminars or pedagogical initiatives designed to encourage constructive and tolerant disagreement: for instance, innovative classroom geography<sup>35</sup>, co-creation of rules for discussion<sup>36</sup>, contact initiatives<sup>37</sup>, active listening<sup>38</sup> or other approaches.<sup>39</sup>
  - b. Case studies of research into controversial areas, or that reaches controversial conclusions, that the department has supported, including steps that it has taken to support the freedom of researchers.

This list is illustrative and is not intended to be exhaustive.

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<sup>34</sup> See <https://www.legislation.gov.uk/ukpga/2017/29/contents> Part A1 sect. A2.

<sup>35</sup> DeTemple, J. (2020) The Spaces We Make: Dialogic Classrooms and Social Transformation. *Ohio State Journal on Dispute Resolution*, 35(5): 735-780.

<sup>36</sup> Myers, S. A., Z. W. Goldman, J. Atkinson, H. Ball, S. T. Carton, M. F. Tindage and A. O. Anderson (2016) Student Civility in the College Classroom: Exploring Student Use and Effects of Classroom Citizenship Behavior, *Communication Education*, 65(1): 64-82.

<sup>37</sup> Pettigrew, T. F., L.R. Tropp, U. Wagner and O. Christ (2011) Recent advances in intergroup contact theory, *International Journal of Intercultural Relations*, 35(3): 271–280.

<sup>38</sup> De Temple *ibid*.

<sup>39</sup> For a summary of these and other approaches to teaching and research see Duffy et al. (2023), Freedom of speech in UK higher education. <https://www.kcl.ac.uk/news/supporting-free-speech-in-universities-needs-more-than-just-regulation-report-says>.

36. The burden of producing this documentation is likely to be relatively low for many institutions. This is because many of these activities are also likely to be relevant to compliance with existing legal duties around academic freedom. These include the duty to promote the importance of freedom of speech and academic freedom, the duty under the PSED, and potentially other duties as set out at paragraph 17 above.

## Recommendation

37. UKRI should consider including a broad range of types of evidence in relation to the academic freedom element. This would include evidence at both the institutional and at the departmental level. This is because both high-level policies, procedures and codes relating to research, and their implementation at a departmental level, are likely to have an impact on the academic freedom of individual researchers.

## Assessment

38. In relation to **documentary** evidence, the assessment might focus on questions including (but not limited to):
- a. Admission, appointment, reappointment and promotion policies and processes: would these policies penalise candidates for controversial research? Do they make clear that appointment processes do not discriminate against on the basis of belief or viewpoint?
  - b. IT policies and processes, including those relating to acceptable use and to surveillance of social media in relation to the conduct or dissemination of research: do these policies unduly restrict publication of research? For instance, does the IT acceptable use policy forbid the publication of 'offensive' but legal content? Does the institution inappropriately monitor researchers' public statements?
  - c. Prevent duty policies and processes: does the way that the institution implements the Prevent duty demonstrate that it has particular regard for academic freedom? For instance, would its security sensitive research policies or IT usage policies discourage researchers from investigating certain topics, or publishing certain perspectives or findings?
  - d. Research ethics policies and processes: is the institution's ethics approvals process transparent, timely and politically neutral? Is it unduly risk-averse? Does the ethics approval process unduly prioritise institutional reputation over academic freedom?<sup>40</sup>
  - e. Research training handbooks or related induction materials: is there information or training to ensure that researchers are aware of their own academic freedom? Does the institution have in place training that discourages researchers from putting forward or discussing controversial viewpoints?
  - f. Statutory code of practice: does the institution have in place processes for the timely consideration of safety measures relating to controversial events? (This might be appropriate, for instance, in the case of events relating to research on animals.)

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<sup>40</sup> For two purported examples of this see Hedgecoe, A. (2016). Reputational Risk, Academic Freedom and Research Ethics Review. *Sociology*, 50(3), 486-501. <https://doi.org/10.1177/0038038515590756>.

39. Assessment of **narrative** evidence may focus on the extent to which it demonstrates a significant and credible positive contribution to academic freedom and innovation in research. The OfS would be happy to discuss potential approaches to evaluation.

## Recommendation

40. Assessment of the evidence relating to any academic freedom element should focus on whether policies, processes etc. are framed in a way that risks academic freedom, but also and more positively, on whether the narrative includes steps or case studies that give evidence of a significant and credible positive contribution to an atmosphere of academic freedom in research.

## D. Summary of recommendations

41. The **academic freedom duties** on registered English providers are demanding, and institutions are required to act lawfully and meet these requirements. We ask UKRI to ensure that the assessment framework address risks to academic freedom, and that the final framework makes it completely clear that providers are required to act lawfully and meet their legal and regulatory duties and requirements in respect of academic freedom. We are happy to work with UKRI towards achieving this.
42. The research evaluation exercise should **prominently include an academic freedom element**, reflecting the extent to which a unit supports and promotes freedom for all staff and research students 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.
43. UKRI should consider including a **broad range of types of evidence** in relation to the academic freedom element. This would include evidence at both the institutional and at the departmental level. This is because both high-level policies, procedures and codes relating to research, and their implementation at a departmental level, are likely to have an impact on the academic freedom of individual researchers.
44. **Assessment of the evidence** relating to any academic freedom element should focus on whether policies, processes etc. are framed in a way that risks academic freedom, but also and more positively, on whether the narrative includes steps or case studies that give evidence of a significant and credible positive contribution to an atmosphere of freedom in research.

## E. Next steps

45. The OfS would be keen to assist UKRI in addressing risks around non-compliance with the new academic freedom duties and requirements, and on the development of an academic freedom element of the PCE.