



PROMOTING HIGHER EDUCATION VALUES

A Guide for Discussion

Workshop Supplement

ACKNOWLEDGMENTS

Scholars at Risk gratefully acknowledges the members of higher education communities worldwide who—through their courage and dedication—have inspired us.

We thank the Office of the Provost and New York University for hosting Scholars at Risk, the many member institutions, associations, partners, and individuals who contribute to our work, including especially the Vivian G. Prins Foundation for core support for services for threatened and refugee scholars, the National Endowment for Democracy, the Open Society Foundations, New York University, the Carnegie Corporation, Charina Endowment Fund, Stichting Polar Lights, Fritt Ord, the Microsoft Corporation, the AAUP Foundation, the Winston Foundation, our anonymous donors, the members of SAR’s Board and Ambassadors Council, and the many friends of Scholars at Risk who help us each day to protect more scholars.

This guide is the result of SAR’s working group on Promoting Values in International Partnerships. SAR acknowledges the contributions of members of the working group and participants in related workshops and discussions. Special thanks to Ilene Cohen for her assistance in preparing this publication. SAR also acknowledges the following for their helpful feedback: the partners in the EU Erasmus+ Programme supported “Academic Refuge” project, including Universitetet i Oslo, University of Ljubljana, and UNICA, and the participants in project workshops and trainings. The content of this guide may not reflect the views of individual network members, institutions, or participating individuals. Scholars at Risk invites comments on this guide or inquiries about our work at scholarsatrisk@nyu.edu.

This project has received funding from the European Union’s Erasmus+ programme under grant agreement No 2016-1-NO01-KA203-022043. This publication contains information which was obtained under contract with the European Union. Its contents are solely the responsibility of the authors and do not necessarily reflect the opinions or views of the European Union.



December 2017

ISBN xxx-x-xxx-sxxxxxx-x

© Scholars at Risk, Inc., 2017. All rights reserved.

For use or information, contact Scholars at Risk at scholarsatrisk@nyu.edu.

PROMOTING HIGHER EDUCATION VALUES

Workshop Supplement

CONTENTS

About the Workshop Supplement.....	4
Advice for Facilitators	5
Unit 1: What Are “Core Higher Education Values”?.....	6
Unit 2: Lines, Line-Drawing, and Consequences	7
Unit 3: Promoting Values.....	10
Unit 4: Defending Values	11
Exercises	13

DRAFT

ABOUT THE WORKSHOP SUPPLEMENT

This Workshop Supplement is a companion piece to the separate publication, *Promoting Higher Education Values: A Guide for Discussion*. The Guide is intended to frame and facilitate discussion about higher education values and their implementation in a wide range of settings. It contains information about higher education values in four units, covering: a definition of ‘core higher education values;’ the types of conduct or expression protected by recognition of those values; tools for implementing values at home and in partnerships; and tools for assessing incidents involving threats to those values and for developing a wider menu of responses. Overall, the Guide urges proactive examination of values issues and the development of “ritualizing” practices that can build respect and understanding that can be drawn upon to help in resolving future values-related incidents.

Because the concepts and contexts implicated by discussion of core higher education values can be varied and complex, workshops or other group discussions are excellent ways to identify questions or disagreements and to build deeper understanding. This is especially the case when discussions are framed around concrete examples based on real-life situations. This Workshop Supplement is intended to assist organizers and facilitators of such discussions. The Supplement includes advice for facilitators presenting each of the four content units in the Guide. Discussions can be organized for any combination of students, faculty, administrators, and staff. Depending on the time available, each unit may be presented as a standalone workshop, two or more units may be combined into a longer workshop, or all four units may be presented as a full-day workshop or multi-session curriculum.

The Supplement also includes exercises, questions for discussion, suggested charts and diagrams to increase opportunities for discussion and understanding. The exercises consist of hypothetical case examples based on a composite of real-life examples and fictional elements. They do not represent any particular persons, institutions or authorities, but rather are drawn from Scholars at Risk’s extensive casework and monitoring activities, its network of partner institutions and researchers worldwide, and invaluable input from participants in an international consultation group convened by SAR with representatives of higher education institutions and associations in every region of the globe, including many persons with direct involvement in international higher education programs.

“This guide urges proactive examination of values issues and the development of “ritualizing” practices that can build respect and understanding.”

The Guide and the Supplement do not necessarily reflect the views of any SAR members, partners, or consultation group members. They are draft documents, and organizers, facilitators and participants in workshops are encouraged to provide feedback on what could be improved. Participants in workshops especially should be encouraged to engage with the materials in three ways: as active participants, as prospective future workshop leaders, and as critics sharing comments and suggestions for future revisions of the Guide and Supplement, including especially additional questions for discussion, case examples, exercises, charts, diagrams, model language, or good practices.

ADVICE FOR FACILITATORS

Facilitators are encouraged to avoid definitive statements or definitions about particular standards, conduct, activities, assessments, or responses. Rather, it is desirable to foster discussion and encourage participants to develop facility both with identifying values issues and with assessing relevant facts and conditions that might inform proactive, pro-values practices, and after-the-fact assessments and responses. Toward this end, facilitators should familiarize themselves with the facts for each exercise in advance and may find it helpful to generate their own lists or responses. These may be used during each exercise to prompt participants to consider other elements that are not immediately volunteered.

In either case, participants should be given adequate time to read and consider the facts. If using small groups, participants should be given time to discuss and to generate responses. Facilitators may assign a representative or invite each group to nominate one or more representatives to record and report on the discussion. After adequate time for review and discussion in small groups, if any, facilitators should invite participants to share in plenary discussion.

Facilitators may wish to use poster paper, blackboards, whiteboards, or the like to develop visible lists of responses or issues identified. Lines may be drawn between elements or responses listed to indicate interrelationships. Facilitators may also prompt participants to explain what facts were most relevant to their responses (e.g., student vs. academic staff, on-campus vs. off-campus). Facilitators may also suggest minor changes to the facts presented to prompt participants to discuss how the changes impact their assessments.

Once familiar with the content and purpose of each exercise, facilitators may want to substitute new fact patterns, possibly based on recent events that might be

familiar to participants. However, in such cases it is generally desirable to alter names, places, and some key facts to sufficiently distinguish the exercise from any source material that inspired it. Changing names and places will help to address any privacy concerns. Changing key facts will help to distinguish the exercise from any actual events, so that all participants have equal information and so that any preexisting biases or predispositions about actual events do not undermine exercise discussions.

“Depending on the number of participants and the time available, facilitators may wish to conduct the exercises in plenary session or by organizing participants into small groups.”

The exercises are intended to encourage identification of the values issues raised in the Promoting Higher Education Values Guide, facility with their meaning and interrelatedness, and creativity in devising proactive, pro-values practices; assessments of stakeholders, partnerships and values-related incidents; and an expanded menu of responses to incidents that may arise. The examples are hypothetical situations based on a composite of multiple real-life examples and fictional elements and do not represent any particular persons, institutions, or authorities. Nevertheless, facilitators should review the examples in advance to determine their appropriateness for each workshop. This may be especially important for workshops involving participants from multiple countries, with different legal norms or cultural backgrounds, or where participants may be operating with different levels or experience with the subject matter or fluency with the language of discussion or of the narrative or exercise materials.

UNIT 1: WHAT ARE "CORE HIGHER EDUCATION VALUES"?

Unit 1 introduces the content of the term “core higher education values,” for the purpose of establishing a common frame of reference. The first learning objective is to examine the five values, their general meanings, and their differences. The endnotes offer citations establishing their legitimacy and recognition under international law and general practice. The first side box on p. 7 in the Promoting Higher Education Values Guide warns against distracting attempts to craft perfect, definitive definitions of each value, in favor of developing facility with their interrelatedness and interdependence. The chart on p. 6 in the Promoting Higher Education Values Guide graphically represents this interrelatedness and interdependence. The second side box on p. 7 similarly warns against distracting attempts to expand or subdivide the list with related concepts that can be discussed within the five values frame. Facilitators may use the chart below during discussions to direct participants to consider where such related concepts might be located. Facilitators may encourage participants in discussions and exercises to identify elements related to each value and to seek solutions to questions that harmonize all five values rather than privilege one—typically academic freedom or institutional autonomy—over the others. The third side box on p. 7 begins to address the question of human rights and core higher education values, noting briefly that some but not all

values-related concerns could be covered by human rights principles. This issue is also included in the endnotes and is revisited in the next unit.

EXERCISES 1-2, 4-6, 8: The purpose of these exercises is to identify each of the five core values in common situations and to explore their interrelatedness. Facilitators may need to prompt participants to consider those values that are less commonly discussed (e.g., accountability, equitable access). Key points for discussion may include exploring participants’ understanding of the boundary between academic freedom and institutional autonomy (as in examples where university administrators or academic staff behave badly), or whether social responsibility includes an institutional as well as a personal dimension (as in examples involving tensions between basic and applied research or about human rights concerns about conduct outside of the higher education space).

DIAGRAM 1: Facilitators may wish to draw the diagram shown below on poster paper, a blackboard, or a whiteboard. During the discussion of one or more exercises, facilitators may ask participants to identify issues relating to each value in each exercise and put check marks (✓) in each box until all values are identified for each exercise. If more time is available, instead of check marks facilitators may wish to write a brief description of each issue raised in each box.

DIAGRAM 1

Values	Exercise #	Exercise #
Academic Freedom (AF)		
Institutional Autonomy (IA)		
Accountability (ACC)		
Equitable Access (EA)		
Social Responsibility (SR)		

UNIT 2: LINES, LINE-DRAWING, AND CONSEQUENCES

Unit 2 introduces the challenging discussion about the boundaries, if any, on academic inquiry and expression protected by core higher education values. The first learning objective is to distinguish the sources of protection for various kinds of expression and conduct, including protection under academic freedom versus general free expression principles, and to determine the kinds of conduct that are not protected under these principles. These distinctions are represented by the headings and icons on the chart on p. 10–11 in the Promoting Higher Education Values Guide.

The second learning objective is to distinguish two understandings of academic freedom protection—described here as “limited” or “traditional” versus “socially engaged” or “contemporary.” The Promoting Higher Education Values Guide suggests that the “limited” view poses risks to academic freedom and other core values (e.g., social responsibility). Participants should not be required to adopt this view but rather should be encouraged to question it and related assertions about the “socially engaged” view. Participants may be challenged in discussions and exercises to articulate what conduct would fit within which area of “protected”/“not protected” in the chart. The examples given may assist. Facilitators may suggest subtle alterations in the facts of each situation examined to challenge assumptions and preconceptions and to assist participants in developing facility with assessing different situations within a consistent, coherent, and articulable values framework. In this regard, the box on p. 13 in the Promoting Higher Education Values Guide challenges participants to consider whether the location of expression or conduct changes the assessment of whether and under what principles it may be protected.

Although not recommended for an initial workshop, facilitators seeking a more

advanced discussion may note that the chart in the Promoting Higher Education Values Guide includes examples involving a student and a member of the public. These can also be used to explore whether students or the public have academic freedom rights. These questions implicitly ask who gets to exercise academic freedom? And for whose benefit? The Promoting Higher Education Values Guide suggests that academic freedom is a general human right, exercised by the academic profession, for the benefit of society. This view sees a parallel between academic freedom and press freedom, which is widely recognized to be exercised by journalists for the benefit of society. Again, participants should not be required to adopt this view but rather should be encouraged to question it and the boundaries of each view, as well as any consequences arising from such boundaries.

Much confusion arises in situations involving expression or conduct that may fall within either the “socially engaged” view of academic freedom (column B in the chart on p. 10 in the Promoting Higher Education Values Guide) or “creative, artistic, personal, or other ‘open’ expression” (column C). The chart in the Promoting Higher Education Values Guide uses identical icons for these two columns to indicate that the same expression or conduct may be located in either column. The Promoting Higher Education Values Guide suggests that assessing such expression or conduct ultimately depends on whether it is undertaken in a fashion that is consistent with academic freedom protection; that is, in a professional capacity and according to the standards and practices of an academic discipline, as determined by experts in that field. Similarly, some participants may question the term “closed” forms of expression (column D) and how it might be distinguished from “open” forms

of expression (column C). Facilitators should avoid definitive statements and instead should encourage participants in discussions and exercises to explore the concept of “inability or unwillingness” to entertain the possibility of changing one’s position based on new information or evidence. It may be helpful to emphasize that even immutable opinions or views are still protected under general free expression principles, if not under academic freedom.

Some participants may question what constitutes “violent or coercive” conduct (column E) and, in particular, how to assess interruptions or disruptions aimed at preventing expression or conduct. Is there a difference, for example, between protesters blocking access to a lecture hall for a single lecture versus protesters blocking access to campus for a period of days or weeks? Again, facilitators should avoid definitive statements and instead should encourage participants in discussions and exercises to explore the concept of coercion and disruption, including duration, participation, location, and any harms resulting.

To avoid confusion, facilitators may need to discuss the difference between protection and violation, and between states and other actors. Just because expression or conduct is protected by academic freedom or free expression principles in theory does not mean that members of higher education communities may not suffer harms in practice when states or others violate those principles. For example, many states maintain *lèse-majesté* or similar laws on “insulting the state” which in their drafting or application may violate academic freedom and free expression principles. Similarly, just because academic freedom and free expression principles might prohibit a state from sanctioning expression or conduct does not mean that other actors cannot limit an individual’s exercise of these rights. For example, a private, non-state higher education institution affiliated with a religious denomination might be permitted to condition academic employment on

adherence to a code of beliefs that prohibits certain expression or conduct, even if such prohibitions limit academic freedom.

The third and perhaps most important learning objective in Unit 2 of the Promoting Higher Education Values Guide is to move beyond line-drawing to examine the questions of agency and consequences. Agency asks who should have the authority to determine where specific conduct or expression falls? Consequences ask what happens to someone who crosses any lines? These are listed at the bottom of p. 9 in the Promoting Higher Education Values Guide. The guide suggests that core higher education values demand that the agency of line-drawing and the imposition of sanctions must be with experts operating in a professional capacity and according to the standards and practices of their academic discipline. Thus, the Promoting Higher Education Values Guide also implicitly suggests that consequences involving violent or coercive conduct are never appropriate. Facilitators should prompt participants in discussions and exercises to question and attempt to identify examples that might challenge these assertions.

EXERCISE 3: The purpose of this exercise is to assist participants (1) to understand different standards of protection for expressive conduct (specifically, academic freedom versus general free expression), (2) to develop facility with identifying the relevant criteria for attempting to categorize such conduct (e.g., context, actor, purpose), and (3) to understand the risks resulting from categories (e.g., too narrow, too broad, or imposed from outside the higher education sector). Key points for discussion may be the suggested distinction between “limited” or traditional academic freedom and “socially engaged” academic freedom, and whether the proposed line, if any, between “socially engaged” academic freedom and creative, artistic, personal, or other “open” expression makes sense to participants.

DIAGRAM 2: Facilitators may wish to draw the diagram shown below on poster paper, a blackboard or a whiteboard. During the discussion of the exercise, facilitators may invite participants to raise their hands to indicate in which column each example belongs. Facilitators may write the number of votes for each in the box and may invite discussion of why different participants voted for different boxes. Facilitators

should emphasize how fluidly examples can move between boxes with subtle changes in facts, making the questions of agency (“who decides”) and consequences (“what happens next”) even more important than where on the chart examples are located. Facilitators may wish to write these questions below the diagram, as shown below.

DIAGRAM 2					
Example	A	B	C	D	E
1. Conference Presentation					
2. Newspaper					
3. Social Media					
4. Campaigning on Campus					
5. Organized Street Protest					
<p>Questions: Good: WHERE in the chart should each example be located? (Why there?) Better: WHO should decide where each example is located? Best: WHAT are the consequences of locating the examples in each box?</p>					

DRAFT

UNIT 3: PROMOTING VALUES

Unit 3 introduces the idea of “ritualizing” pro-values norms, cultures, and practices within each “home” higher education institution and in external and cross-border higher education partnerships. In this case, “ritualizing” values means creating and repeating regular, visible, and meaningful opportunities for all stakeholders to discuss values questions and their meaning in practice in the relevant community. (Facilitators may substitute “operationalizing,” “implementing,” or “cultivating” for similar meaning.) The first learning objective is to emphasize that core values benefit higher education and society and that neglecting to develop pro-values practices in advance of any incidents or crises may put those benefits at risk.

The second learning objective is to encourage adoption of pro-values practices that move beyond static institutional statements in favor of a dynamic range of transparent policies and practices aimed at building dialogue. The boxes on p. 14 in the Promoting Higher Education Values Guide provide excerpts from example statements and policies (many other examples are available online), and the list on p. 19 includes a variety of practices that can be used to develop a pro-values culture. Participants should be encouraged to discuss the list and to generate additions. (Facilitators are encouraged to share with SAR any helpful additions that might be added in online and future editions.)

The third learning objective is to explore what adjustments, if any, should be made in the context of external and especially cross-border partnerships. The Promoting Higher Education Values Guide suggests

that grounding higher education activities in core values may be even more important in the context of partnerships, where the risks and consequences of misunderstandings are even greater. Toward this point, the box on p. 13 revisits the issue of whether location matters. Facilitators may encourage participants in discussions and exercises to explore the consequences of limiting values understandings to the scope of a partnership, rather than to a wider range of expression or conduct beyond the partnership. Again, facilitators may suggest subtle alterations in the facts of each situation examined to challenge assumptions and preconceptions and to assist participants in developing facility with assessing different situations within a consistent, coherent, and articulable values framework.

EXERCISES 4-7: The purpose of these exercises is to encourage creativity in implementing core values proactively. A key objective should be to generate suggestions of practical, pro-values activities that have been or might be attempted, as well as feedback on the suggestions listed in the guide. Key points for discussion may be the difficulties entailed in dedicating time and financial resources for values issues in the absence of an incident or crisis, especially in the context of international partnership negotiations, as well as in raising values concerns in partnerships with due regard for power differentials and cultural sensitivities.

UNIT 4: DEFENDING HIGHER EDUCATION VALUES

Unit 4 recognizes that although the proactive approaches discussed in Unit 3 are always preferred, these take time to develop. This unit therefore presents a three-part strategy for responding to values-related incidents after the fact, as they arise at home and in external and cross-border partnerships. The first learning objective is to encourage participants to avoid the risk of oversimplification that results from failure to consider the full range of values implicated (as discussed in the first unit in this guide) or the full range of stakeholders. The chart on p. 21 in the Promoting Higher Education Values Guide outlines criteria to assist in these assessments. Facilitators may encourage participants in discussions and exercises to discuss the criteria and suggest alterations to the facts of each situation to encourage facility with the assessment tools.

The second learning objective is to encourage participants to avoid potentially harmful binary, or “all or nothing,” approaches and to develop instead a range of response options tailored to each situation. This begins with a recognition that not all incidents are the same. The chart on p. 22 outlines criteria for assessing incidents. Facilitators should encourage participants to use the incident assessment together with the earlier stakeholder/partnership assessments to develop and discuss appropriate response options. The menu on p. 25 provides examples of an incomplete “expanded response menu.” The menu distinguishes responses that focus on building dialogue about values concerns (“dialogue-focused responses”) from those that result in changing program activities (“program-focused responses”), as well as considering questions about risks/benefits and costs of each response. Participants should be encouraged to discuss the menu and to generate additions. (Facilitators are encouraged to share with SAR any helpful additions that might be added to the

Promoting Higher Education Values Guide in online and future editions.) Facilitators may again alter the facts of each situation to encourage participants to develop facility with the menu, the range of response options, and their respective merits. (Again, facilitators should review the menu and examples in advance to determine their appropriateness for each workshop in keeping with the legal norms or cultural backgrounds of workshop locations and participants.)

EXERCISES 7-8: The purpose of these exercises is to practice assessment of incidents that may arise, with an emphasis on expanding response options and mitigating damage to institutional priorities and individuals, without sacrificing important values principles or stakeholder interests. A key objective should be to encourage creativity in generating a range of appropriate responses that satisfy stakeholder interests and core values.

DIAGRAMS 3-5: Facilitators may wish to draw the diagrams shown on the next page on poster paper, a blackboard, or a whiteboard. The diagrams as shown are for Exercise 7, but may be adjusted for Exercise 8 or other exercises.

DIAGRAM 3: Stakeholder/partnership assessment: During the discussion of the exercise, facilitators may invite participants to rank on a scale of HIGH, medium (MED), or LOW each criterion for each example situation. Facilitators should invite discussion of what facts led participants to rank criteria at different levels. Facilitators should emphasize the role of the framework and criteria in deconstructing complex situations and encouraging meaningful discussion about options, even among participants who favor different criteria or perspectives.

DIAGRAM 4: Incident assessment: During the discussion of the exercise, facilitators may invite participants to rank on a scale of

HIGH, medium (MED), or LOW each criterion for each example situation. Facilitators should invite discussion of what facts led participants to rank criteria at different levels. Facilitators should emphasize the role of the framework and criteria in deconstructing complex situations and encouraging meaningful discussion about options, even among participants who favor different criteria or perspectives.

DIAGRAM 5: Response assessment: During the discussion of the exercise, facilitators should first invite participants to indicate which form of responses—dialogue-focused

or program-focused—are most appropriate in each situation. If time is short, facilitators may put check marks (✓) in each box. If time permits, facilitators may invite participants to raise their hands to indicate which type of response they each favor. Facilitators may write the number of votes for each response type in each box and may invite discussion of why different participants voted for different types of responses. Facilitators should then explore with participants different response options of each type. If time permits, facilitators may list suggested responses in each box.

DIAGRAM 3				
Example	Stakeholder/ Partnership Duration	Institutional Role/ Commitment	Number of People	Academic Component
Turkey				
China				
Egypt				
Other?				

DIAGRAM 4			
Example	Harm	Identity of Victims	Number of Victims
Turkey			
China			
Egypt			
Other?			

DIAGRAM 5		
Example	Dialogue-Focused Responses	Program-Focused Responses
Turkey		
China		
Egypt		
Other?		

EXERCISES

The following exercises consist of hypothetical case examples based on a composite of real-life examples and fictional elements. They do not represent any particular persons, institutions, or authorities, but rather are drawn from Scholars at Risk’s extensive casework and monitoring activities, its network of partner institutions and researchers worldwide, and invaluable input from participants in an international consultation group. Nevertheless, facilitators should review the examples in advance to determine their appropriateness for each workshop. This may be especially important for workshops involving participants from multiple countries, with different legal norms or cultural backgrounds, or where participants may be operating with different levels or experience with the subject matter or fluency with the language of discussion or of the narrative or exercise materials.

Facilitators are encouraged to use the exercises by copying the second page (questions and facts sections) of each exercise and distributing it to workshop participants for discussion. Facilitators should familiarize themselves with the facts for each exercise in advance and may find it helpful to generate their own lists or responses in advance. These may be used during each exercise to prompt participants to consider other elements that are not immediately volunteered.

The table below offers suggestions of which exercises might be most useful for discussing each of the four units in the guide for discussion.

EXERCISE	TITLE	SITUATION	UNIT 1	UNIT 2	UNIT 3	UNIT 4
1	“Inviting Trouble”	Cases involving controversial speakers on campus	✓			
2	Strengthening “Patriotic” Higher Education	Cases involving academic course content	✓			
3	Lines, Line-Drawing, And Consequences	Cases involving expression/ expressive conduct		✓		
4	Career Fair On Campus	Cases involving standards and practices at home	✓		✓	
5	Silence Is Golden?	Cases involving standards and practices at home			✓	
6	Government Delegations	Cases involving standards and practices in partnerships	✓		✓	
7	Trouble Abroad	Cases involving after-the-fact assessment			✓	✓
8	Trouble Back Home	Cases involving after-the-fact assessment				✓

EXERCISE 1: INVITING TROUBLE (CASES INVOLVING CONTROVERSIAL SPEAKERS ON CAMPUS)

The following exercise is a composite of real-life examples. It is typical of many incidents where conflict or confusion over higher education values is triggered by a speaker or event on campus expected to discuss content considered by some to be controversial or even offensive. The speakers or events may be invited or organized by the institution itself (e.g., a speaker at a graduation ceremony), by members of the higher education community (e.g., by academic staff or a student group), or by individuals or groups from outside the higher education community using the higher education space (e.g., a visit by a public official or rental of higher education facilities by a religious or nongovernmental organization). Similarly, the persons or groups objecting to the content may be within the higher education community or outside of it. Most incidents involve media reports, public debates, or nonviolent protests on campus. Some incidents may involve actual or threatened use of violence or coercive force. This is especially true in places with high levels of tension, instability, or violence in the higher education sector or society generally.

PARTICIPANTS

Participants are asked (1) to read the statement of facts and identify issues relating to the five core higher education values: equitable access, accountability, institutional autonomy, academic freedom, and social responsibility. If time permits, participants are asked (2) to explore how responses addressing one value (e.g., academic freedom) might raise concerns about one of the other core values (e.g., institutional autonomy).

EXERCISE 1:

QUESTIONS

1. How many higher education values concerns can you identify?
2. What course of action would you recommend to satisfy those concerns?

FACTS

Last night a television news station reported that a controversial speaker had been invited to your institution. The television report said the institution was “forcing students to be indoctrinated by a criminal.”

The invited speaker is Nadia Talin, a former biologist. She wrote an autobiographical novel about a girl growing up in an abusive religious household. The book was an international bestseller. In the book, she describes her struggle to liberate herself from her childhood. She frequently gives lectures and publishes essays. Her lectures and writing can be provocative, but she always includes detailed citation to sacred texts and scholarly works. She has called religion “a form of child abuse” designed to control children, especially girls. She has called for criminal charges against leaders of the major world religions. Based on these views, she was convicted in two separate countries of insulting the national religion. (She was not present for either trial.) Mobs have sometimes attempted to block her lectures, sometimes chanting for her imprisonment or death. But she is a hero to many feminists and secularists and has been given many awards.

She was invited to campus by a student organization that is supervised by an academic staff adviser. The visit was to include meetings with students in their classes, meals with academic staff, and a public lecture cosponsored by several students groups. After the television report, an off-campus group threatened to protest. Angry and concerned alumni and parents are calling you. A member of the state legislature has suggested he might launch an investigation. Rumors spread that the administration cancelled the visit and was investigating the academic adviser’s role. This triggered angry emails and online postings from students and academic staff members in support of the speaker’s visit. An emergency meeting was arranged with academic staff, senior administrators, student representatives, and some of those opposed to the visit. The meeting is scheduled to start in fifteen minutes.

EXERCISE 2: STRENGTHENING “PATRIOTIC” HIGHER EDUCATION (CASES INVOLVING ACADEMIC COURSE CONTENT)

The following exercise is a composite of real-life examples. It is typical of many incidents where conflict or confusion over higher education values is triggered by actions outside of a single higher education institution. In this case, the incident involves the action of state officials, but similar incidents may involve the actions of non-state groups, including political, religious, business, criminal, or militant groups. Most incidents involve professional, administrative, or financial pressures. Some incidents may involve actual or threatened use of violence or coercive force. This is especially true in places with high levels of tension, instability, or violence in the higher education sector or society generally.

PARTICIPANTS

Participants are asked (1) to identify within the statement of facts any issues relating to the five core higher education values: equitable access, accountability, institutional autonomy, academic freedom, and social responsibility. If time permits, participants are asked (2) to explore how responses addressing one value (e.g., academic freedom) might raise concerns about one of the other core values (e.g., autonomy).

DRAFT

EXERCISE 2:

QUESTIONS

1. How many higher education values concerns can you identify?
2. Should the private university rector cancel the conference? If yes, why? If no, why not?
3. For each institution, what tools, strategies or partnerships might make responding to issues in the case example more effective?

FACTS

The higher education system in Country Z includes three different types of institutions: (A) state-funded universities, (B) state-funded technical institutes, and (C) newer private universities that do not receive state funding. Recently the government launched a program of promoting “national patriotic education.” The Ministry of Education sent a notice about the new program to all institutions (A, B and C). The notice said they should emphasize research and teaching that “reinforces patriotic themes.” The notice included a list of research and teaching topics that were considered “very patriotic” and other topics that were considered “less patriotic.” The notice said the Ministry would “monitor” how each institution responded to the new program, and that information would be considered in future budget decisions.

(A) At a state university, the rector shared the Ministry’s notice with the Faculty Council. The Faculty Council was concerned that the list of “less patriotic” topics included topics for which their university had developed a strong reputation. Rather than eliminate those topics, the Faculty Council drafted a letter that acknowledged the responsibility of the university to contribute to society. The letter also said that the university meets this responsibility when the state “respects the autonomy and freedom of the university to conduct its affairs without political interference.” The rector sent a copy of the Faculty Council’s letter to the Ministry and pledged that the university would do its patriotic duty by following the principles in the letter. The university also posted the letter on the university website.

(B) At a technical institute, the rector acted on the Ministry’s notice immediately. He thought that if his institute only taught and did research on “patriotic” topics then his institute would get more funding from the government. Without discussing it with the Faculty Council, the rector cancelled all classes on the “less patriotic” topics, which included classes on topics important to ethnic minority groups in the country. The contracts of lecturers who taught those classes were cancelled. After learning of this, some minority students organized demonstrations demanding reinstatement of the lecturers and the classes. The rector invited the police to enter the campus to break up the demonstrations, and some students were beaten by police.

(C) At a new private university, the rector first ignored the notice. The university offered many classes on “less patriotic” topics, but it did not receive state funding. But when demonstrations began at the technical institute and students were beaten by police, students at the private university organized a conference on minority issues. When it began to attract media attention, government supporters pressed the rector to cancel the conference.

EXERCISE 3:

LINES, LINE-DRAWING, AND CONSEQUENCES

(CASES INVOLVING EXPRESSION/EXPRESSIVE CONDUCT)

The following exercise includes five examples. Each is typical of many real-life incidents where conflict or confusion over whether any particular expression or conduct is protected by academic freedom, general free expression, or both. The examples explore differences in stakeholders (e.g., academic staff or students), location (e.g., on campus or off campus), format (e.g., academic journal or newspaper), and type of conduct (e.g., classroom discussion or blocking entrances). Some examples involve responses by state officials, while others may involve responses of members of the higher education sector (e.g., administrators, academic staff, or students) or non-state groups including political, religious, business, criminal, or militant groups. Even if expression or conduct is, in principle, protected by academic freedom or free expression, the expression or conduct may be punished in real life. In most cases, punishments include professional, administrative, or financial sanctions. In some cases, however, punishments may involve actual or threatened use of violence or coercive force. This is especially true in places with high levels of tension, instability, or violence in the higher education sector or society generally.

PARTICIPANTS

Participants are asked (1) to categorize the expression or conduct shown in each fact example. If time permits, participants are asked (2) to explore, in each case, “Who should decide where the line, if any, lies?” and “What are the consequences for crossing the line?”

DRAFT

EXERCISE 3:

QUESTIONS, FOR EACH EXAMPLE

1. What category does the expression or conduct fall into:
 - (A) “traditional” or “limited” academic expression,
 - (B) “socially engaged” academic expression,
 - (C) creative, artistic, personal, or other “open” expression,
 - (D) “partisan,” ideological, dogmatic, or other “closed” expression, or
 - (E) violent or coercive conduct?
2. Who decided whether the expression or conduct was protected? Who should decide?
3. What were the consequences experienced? Were they appropriate?

FACTS

Conference presentation: A professor of constitutional law from Iran delivers a paper at an academic conference in Germany. In her paper, she argues that equal rights for women will not be possible in her country under the current constitution. She suggests amendments that might be made. When she returns home, she is arrested at the airport. She loses her university post. She is imprisoned for “insulting the state.”

Newspaper interview: A professor of constitutional law from Malaysia gives an interview to a newspaper. He compares a current constitutional dispute to a period of constitutional crisis experienced three decades earlier. He is prosecuted on charges of sedition.

Social media posts: A public university in the United States terminates the contract of a new professor of anthropology. The professor had posted comments on social media about the 2014 Israel–Gaza conflict. Some saw the posts as criticism of Israeli government policy. Others saw them as expressions of anti-Semitism.

Campaigning on campus: A part-time lecturer who is also a candidate for political office with an extremist opposition party is invited by a partisan student organization to give a talk on campus. The candidate’s remarks are interrupted by other students who beat drums and blow whistles to prevent the candidate from being heard. Ultimately, the protesting students are escorted from the hall by campus security.

Organized student protest: Organized student protesters in South Africa demanding a decrease in student fees blocked entrances to campus gates and buildings. When a crowd of students attempted to enter a main campus building, clashes broke out between students and between protesters and private security guards employed by the university. Police stepped in to end the disorder, but not before several campus buildings were damaged and dozens of students were arrested.

EXERCISE 4: CAREER FAIR ON CAMPUS (CASES INVOLVING STANDARDS AND PRACTICES AT HOME)

The following exercise is a composite of real-life examples. It is typical of many incidents where conflict or confusion over higher education values is triggered by claims that a guest, employee, contractor, or partner of the university is involved in conduct that is contrary to the values of the community. In this case, the incident involves accusations of violation of international law, but similar incidents might involve accusations of violation of humanitarian law or human rights, serious damage to the environment, corruption, or illegal weapons trade. In this case, the incident involves an on-campus event—a career fair—but it could also have been a case about research collaboration, public procurement, or donations from a disputed company. These incidents raise questions about what standards are used to determine the values of the community? What practices are used to determine a violation of those standards? And what should be the consequences of any violations? Most of these incidents involve professional, administrative, or financial consequences, although disputes over such incidents can sometimes trigger actual or threatened violence or coercive force. This is especially true in places with high levels of tension, instability, or violence in the higher education sector or in society generally.

PARTICIPANTS

Participants are asked (1) to discuss whether the standards and processes described in each set of facts, if any, were appropriate for protecting higher education values. If time permits, participants are asked (2) to explore what other standards or processes might be put in place proactively (in advance) to make it easier to respond to similar issues in the future.

EXERCISE 4:

QUESTIONS

1. How should students or other organizers of events on campus evaluate beforehand, or address objections against, an invited company, organization, or person? What process should be followed? What standards?
2. Is there a difference between personal, individual objections and violations of collective, community standards? How does student or academic staff collaboration with international companies implicate collective standards?

FACTS

Students are organizing a career fair on campus. On the opening day, protesters criticize the students for inviting a subsidiary of an international company engaged in oil and gas exploration in territorial waters of Western Sahara, which the protesters consider occupied territory, and therefore consider the exploration a violation of international law. They criticize the rector for allowing the subsidiary company to market itself on campus at the career fair. The rector says that the presence of the subsidiary company at the career fair and the university's otherwise extensive collaboration with the subsidiary company are not in violation of national foreign policy, and therefore appropriate. The subsidiary company itself claims (as does its parent company) that it has not violated any international laws or regulations. The student organizers of the career fair were unaware of the concerns about the company before the protesters contacted them and have promised to establish a better screening of participants in the career fair in the future.

DRAFT

EXERCISE 5: SILENCE IS GOLDEN?

(CASES INVOLVING STANDARDS AND PRACTICES AT HOME)

The following exercise is a composite of real-life examples. It is typical of many incidents where conflict or confusion over higher education values is triggered by individuals or groups from outside the higher education community who object to the content of teaching, research, or publications. In this case, the content of research is alleged to be harmful to commercial interests or national security, but similar incidents may allege harms to the reputation of individuals or the state, public morals, or public safety. The alleged harms are then used to justify threats to institutions or individuals. This case involves threats of debilitating financial penalties and criminal prosecutions, but other incidents may involve threats of violence or coercive force to block dissemination (e.g., the arrest of a publisher or the burning of a printing press to prevent a publication) or as a result of it (e.g., a riot or mob violence following a publication). Where the alleged harms are the result of the content itself, such incidents will require a careful balancing of core values that may ultimately favor social responsibility or accountability (e.g., limiting dissemination of information on pathogens or advanced weaponry). Where, by contrast, the alleged harms are the result of objections to the content, rather than of the content itself, such balancing may ultimately favor academic freedom or institutional autonomy (e.g., disfavored critique of political, ethnic, gender, or religious power hierarchies), taking into account as necessary credible threats of violent attacks, especially in places with high levels of tension, instability, or violence in the higher education sector or society generally.

PARTICIPANTS

Participants are asked (1) to discuss whether the standards and processes described in each set of facts, if any, were appropriate for protecting higher education values. If time permits, participants are asked (2) to explore what other standards or processes might be put in place proactively (in advance) to make it easier to respond to similar issues in the future.

EXERCISE 5:

QUESTIONS

1. The first question on the meeting agenda is whether the DSRG researchers will present their paper at the technology conference.
2. The second question is whether the law professor will present the paper on unlawful surveillance at the law conference.

FACTS

Two years ago your university established a new Digital Security Research Group (DSRG) to raise the visibility of research on campus and to attract new grants and research contracts. Recently, two DSRG researchers have discovered a major security flaw in the SIM cards used in 80 percent of all cell phones. The flaw allows data on the SIM cards to be copied wirelessly. Criminals with knowledge of the flaw could build a device capable of wirelessly stealing all the information (emails, contacts, passwords, and credit card numbers) from any cell phone carried in public. The criminals could use the information to commit identity theft, credit card fraud, or other crimes. The DSRG researchers do not have a fix for the flaw but if cell phone users were told about it they could reduce their risk by, for example, not using their phones for e-commerce transactions.

The DSRG researchers' paper was accepted, after peer review, by a major international conference. (The paper discusses the security flaw, but does not discuss how to make the criminal device.) Following best practice, the DSRG researchers sent confidential copies of their paper to the major SIM card manufacturers three months before the conference, to give the manufacturers time to prepare for the public disclosure of the flaw. Yesterday, the manufacturers sent a letter to the university threatening to file a lawsuit seeking money damages from the researchers, DSRG, and the university for any loss of business resulting from disclosure of the flaw. They estimated possible losses of \$1 billion.

One of the DSRG researchers had earlier discussed the SIM card research with a professor on the law faculty who focuses on privacy rights. The law professor did some research and discovered evidence that the government was secretly exploiting the flaw to conduct unlawful domestic surveillance. The law professor's paper was accepted, after peer review, by a major legal conference. Yesterday, the government sent a letter to the law professor and university advising them that "anyone involved" could be prosecuted for "any disclosures" about the research, the flaw, or the alleged domestic surveillance.

You are attending an emergency meeting with the DSRG researchers, the law professor, administrators, and trustees. The purpose of the meeting is to decide on a recommended course of action.

EXERCISE 6: GOVERNMENT DELEGATIONS (CASES INVOLVING STANDARDS AND PRACTICES IN PARTNERSHIPS)

The following exercise is a composite of real-life examples. It is typical of many incidents where conflict or confusion over higher education values is triggered by claims that a program, partnership, or engagement of the university is contrary to the values of the community. In this case, the incident involves national government-sponsored activities and concerns about possible university endorsement of foreign political regimes. Similar incidents might involve concerns about engagement with commercial interests, government research programs, or ideological donors or groups. Most of these incidents involve debates within a university about whether and how to continue any engagement and its impact on the university, its reputation, and its own community. However, it may be appropriate also to consider the impact on stakeholders on the other side of the partnership or engagement, and whether the proposed activities might be helpful in mitigating any constraints on the local higher education sector or society generally.

PARTICIPANTS

Participants are asked (1) to discuss whether the standards and processes described, if any, were appropriate for protecting higher education values. If time permits, participants are asked (2) to explore what other standards or processes might be put in place proactively (in advance) to make it easier to respond to similar issues in the future.

DRAFT

EXERCISE 6:

QUESTIONS

1. How can universities avoid compromising higher education values in such situations?
2. What standards or processes might help universities in deciding when to join delegations?

FACTS

Officials with the Norwegian national government organize international delegations abroad that include representatives of Norwegian universities. The purpose of the delegations is to encourage cooperation on research and education between Norway and other countries. Two recent delegations prompted debate.

The Ministry of Education and Research organized a delegation to Brazil in September 2016. The delegation of 62 participants, including government officials and leaders of Norwegian higher education institutions, was intended to promote cooperation on higher education and research. The national strategy brief for the visit noted that “cooperation on higher education and research is often linked to other political objectives, e.g., supporting broader foreign policy, development policy and/or trade and industry policy interests.” On learning that the delegation was scheduled to take place three weeks after the impeachment of former President Rouseff on corruption charges, a researcher and expert on Brazil at a Norwegian university cautioned that such a visit would represent a significant political statement in favor of the new regime. The Ministry considered canceling the trip due to the circumstances.

Also in September 2016, the Ministry of Energy organized a delegation to Thailand. It included 40 participants, including leaders of three Norwegian higher education institutions, and was intended to learn more about Thai oil and gas research and technology. The schedule included meetings with Thai government ministries, Thai universities, and Thai military officials, who expressed keen interest in outside help developing their oil and gas reserves. The officials expressed optimism regarding future cooperation and so did the researchers. On learning that their rector had taken part in the delegation, students and researchers at a Norwegian university raised concerns that the delegation’s trip had occurred four weeks after a controversial referendum approving a new constitution drafted by the ruling military government and condemned as “undemocratic” by human rights groups and opposition leaders; during the campaign before the referendum a number of Thai students and professors were prosecuted and detained. The rector responded that the university followed national foreign policy as a guide, and noted that national policy on the Thai military government was to raise concerns about human rights issues privately, including concerns about the Thai students and professors. The rector also noted examples of representatives of other Norwegian universities participating in delegations to other countries facing special political situations, corruption, and human rights abuses.

EXERCISE 7: TROUBLE ABROAD (CASES INVOLVING AFTER-THE-FACT ASSESSMENT)

The following exercise includes three composites of real-life examples. Each is typical of many real-life incidents where conflict or confusion over higher education values is triggered by actions taken against individual members of the higher education sector. The examples explore differences in affiliation (e.g., the home institution, a satellite program, or no affiliation), scale (single scholar versus hundreds), and type of conduct (e.g., travel restriction versus firing versus prosecution). These incidents raise questions about the scope of responsibility to protect and promote higher education values and about the proportionality of responses to particular incidents.

PARTICIPANTS

For each incident described, participants are asked (1) to assess the stakeholders or partnership implicated, (2) to assess the incident, and (3) to develop an appropriate response. If time permits, participants are asked to explore the implications of various responses on protection of core higher education values.

DRAFT

EXERCISE 7:

QUESTIONS, AS TO EACH SET OF FACTS

1. Who are the key stakeholders? What are the key elements in the partnership?
2. What values are implicated by the incidents described?
3. What response(s) are appropriate?

FACTS

In January 2016, 1128 scholars from 89 universities in Turkey signed a public petition calling for an end to fighting in the southeast region of the country. Following the publication of the petition, public authorities placed all the signatories under investigation. Since that time, many have been dismissed, had their contracts dropped (nonrenewal), and been interrogated, arrested, or prosecuted. Several have reported threats of violence. Foreign Institution X has a new, small cultural studies program in Istanbul. Faculty members of Institution X, both at its home campus and at its Turkey program, have expressed grave concern over the situation. Some at the home campus are demanding withdrawal from Turkey, but stakeholders in Turkey urge public support for the program and colleagues there.

FACTS

Dr. Z, a law professor at the University of Science and Law, was dismissed from his position in December 2013, apparently in retaliation for writings in which he advocated constitutionalism and challenged China's one-party system. Foreign Institution X has a large study program for local and international students in another city in China, in partnership with another Chinese university. Faculty and students at other institutions with programs in China have been calling on their institutions to condemn publicly the firing of Dr. Z and to withdraw their programs if he is not reinstated. Faculty and students at Institution X have raised similar concerns, without consensus on their demands.

FACTS

In March 2015, Dr. Z, a social scientist at Institution X, was prevented from traveling to Egypt. Dr. Z studies labor issues and had been publicly critical of labor practices in the Egypt. He was traveling to conduct research and speak at a conference. According to reports, Dr. Z was stopped from boarding the plane at the departure airport. Airport personnel contacted Egyptian authorities, who reportedly informed them that Dr. Z was not allowed to enter the country because of unspecified security concerns. Foreign Institution X has a large study program for local and international students in Egypt. Faculty and students at Institution X have raised concerns about the denial of travel permission to a member of their faculty, without consensus on a course of action.

EXERCISE 8: TROUBLE AT HOME (CASES INVOLVING AFTER-THE-FACT ASSESSMENT)

The following exercise is a composite of real-life examples. It is typical of many incidents where scholars seeking to engage in free inquiry and expression may experience a variety of harassments and persecutions intended to silence them, directly or by intimidation of others. These incidents raise questions about the scope of personal and institutional responsibility to protect and promote higher education values, as well as about the impact the exercise of such values may have on individuals, institutions, and society.

PARTICIPANTS

Participants are asked (1) to identify within the statement of facts any issues relating to the five core higher education values: equitable access, accountability, institutional autonomy, academic freedom, and social responsibility. If time permits, participants are asked (2) to explore how responses addressing one value (e.g., academic freedom) might raise concerns about one of the other core values (e.g., autonomy).

DRAFT

EXERCISE 8

QUESTIONS

1. What different types of threats to core values do we encounter in this example?
2. What are your thoughts on how the university in country Y dealt with Professor X?
Did the university have the freedom to act differently?
3. What options does Professor X have? Which institutions/individuals could she turn to for help?

FACTS

Professor X, a human rights lawyer and university lecturer in Country Y, advocates for equal rights for women. As Professor X's work received greater publicity, the government banned her from giving radio, television or print interviews and from making public speeches, including at academic conferences, and it denied her permission to register a new women's rights organization. Professor X continued to publish articles in academic journals and occasionally traveled to academic conferences abroad. At a conference at a university in France in 2003, she spoke on a panel on women and the law. She argued that her country needed constitutional reform if women were to have equal rights. When she returned to her country, she was arrested, imprisoned, placed in solitary confinement, and interrogated regularly. Eventually she was charged with acting against national security and disseminating propaganda against the government.

After two years and a great deal of international pressure, Professor X was freed from prison. She returned to her position at the university. The head of the department warned her to "keep quiet" so as not to jeopardize state funding for the department. Her classes were monitored. Fearing that she would be terminated or imprisoned again if she continued to speak on women's rights issues, she tried to cooperate. But her frustration with the restrictions grew, and she began to seek opportunities to continue teaching and publishing freely elsewhere. In 2006, she accepted a ten-month fellowship at a university in the United Kingdom. There she participated in conferences and gave talks throughout the country. She began publishing again. Soon after, she learned that her husband, a scholar still in Country Y, had been imprisoned on false charges. He called her from prison urging her to come home and to stop making public statements in the UK. He was told by prison authorities that he would "pay the price for his wife's mistakes." Professor X knows that if she returns to her home country she will face prison again. She wants to continue to draw attention to the need for legal change in Country Y, but fears the consequences for her family.

NOTES

DRAFT

DRAFT

SCHOLARS AT RISK
N E T W O R K

 protection  advocacy  learning

Scholars at Risk is an independent not-for-profit corporation hosted at New York University.

411 Lafayette Street, 3rd Floor, New York, NY 10003 USA
1-212-998-2179 (tel) • 1-212-995-4427 (fax) • scholarsatrisk@nyu.edu

@SCHOLARSATRISK • WWW.SCHOLARSATRISK.ORG