Written evidence from Universities UK (AFP0032)

About Universities UK

Universities UK is the representative organisation for the UK’s universities. Its mission is to be the voice for universities in the UK, providing high quality leadership and support to its members to promote a successful and diverse higher education sector. With 136 members and offices in London, Cardiff (Universities Wales) and Edinburgh (Universities Scotland), it promotes the strength and success of UK universities nationally and internationally.

EXECUTIVE SUMMARY

- International engagement and collaboration are established indicators of excellence within higher education institutions and systems. Globally, higher proportions of international academic staff and students, and international co-authorship of research publications symbolise quality and excellence. UK universities are global institutions, collaborating with partners across the world and rank highly across all measures of global engagement.

- International partnerships provide opportunities to students and staff that significantly enhance the scope and impact of UK higher education and are key factors in the excellent global reputation of UK universities.

- The vast majority of international partnerships are highly beneficial to all parties and augment the UK’s standing on the global stage. Nevertheless, as in any sector, international collaborations in higher education and research are not without risk. These risks can include security, financial, reputational and cumulative risks.

- Universities UK’s working assumption is that the most significant threat from hostile state actors is misappropriation of research output, including the seizing of research data and intellectual property.

- Universities are responsible for implementing their own policies, process and strategies to mitigate the potential damage from hostile state interference and to actively promote academic freedom. Alongside other organisations, Universities UK provides support for universities and is improving this support as it advances its understanding of the challenges faced.

- The promotion and protection of academic freedom is a legal duty for UK higher education institutions and a specific requirement of Universities UK’s membership criteria. Universities UK is unaware of any university which has compromised on academic freedom for financial gain.
By coordinating with other government departments, the FCO has improved its support for universities in countering the threat to academic freedom presented by hostile state actors.

However, the government should consider establishing a single point of contact for universities to consult regarding the mitigation of threats to academic freedom posed by autocracies.

Universities UK has welcomed our engagement with the FCO, DfE and BEIS. We look forward to continuing to work with government departments, including the FCO, to further improve practice in this area and maintain the benefits of international engagement to UK higher education and research in a secure and responsible manner.

WRITTEN SUBMISSION – Autocracies and UK Foreign Policy Inquiry

Universities and International Collaboration

1. International engagement and collaboration are established indicators of excellence within higher education institutions and systems. Globally, higher proportions of international academic staff and students, and international co-authorship of research publications symbolise quality and excellence. UK universities are global institutions, collaborating with partners across the world and rank highly across all measures of global engagement.

2. International investment is a valuable resource for university research and more than half of UK research is a product of international partnerships.

3. The UK benefits from international students. 437000 students from outside of the UK were enrolled at universities in the 2014/15 academic year, 72% of whom were from outside of the EU. These students are worth £26 billion to the UK economy and also bring skills and ideas to UK research and industry. Many foreign students choose to work in the UK after completing their studies.

4. The government recognised the value of this international collaboration in its International Education Strategy (IES) and its International Research and Innovation Strategy (IRIS), both published earlier this year. The IES set targets of increasing education exports and the number of international students in the UK while the IRIS pledged to establish new strategic research partnerships with Europe and Africa.

5. Any international activity and engagement involves a certain amount of risk. Universities UK seeks to support universities in managing these risks

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1 Universities UK (2017), The Economic Impact of International Students.
autonomously to protect the security and integrity of the research projects they carry out.

In what ways do autocracies pose a threat to academic freedom in UK universities? Can you give us examples from your own experience and research of the most common types of foreign influence in UK universities?

6. Influence should be differentiated from interference. Influence is legitimate and common practice in international relations and an outcome of international collaboration. Universities’ central function is to produce and share knowledge, hence, it is to be expected that individuals will have an influence when bringing their own ideas to a university. This influence works both ways. Higher education is a key source of soft power for the UK and a useful instrument for maintaining influence overseas.

7. By contrast, interference is covert, coercive or corrupt activity initiated by one actor over another to advance its own interests. Interference is a threat to the security and integrity of UK research and Universities UK is working hard to minimise foreign interference in UK universities.

8. Universities UK’s working assumption is that the greatest threat posed by hostile state actors to UK universities is around the misappropriation of research output, including the theft of research data and intellectual property, which could be used to promote the military, commercial or authoritarian interests of a hostile state.

9. Universities UK is working with several organisations to develop, test and publicise guidance for academics and senior leadership teams on how to minimise the threat of such misappropriation.

What policies and practices are currently in place to guard against foreign influence in UK universities?

10. As autonomous institutions, universities are responsible for developing their own policies and practices for preventing foreign interference. All strategies must comply with legal obligations such as GDPR and export controls and must take into consideration universities’ obligations to maintain financial and reputational security.

11. While practice varies between institutions, there are typically two bodies with governance responsibilities in a university. These are the governing body and the body responsible for regulating the academic life of the university (such as an academic senate). Guidance for the governing body is available from the Higher Education Code of Governance, produced and maintained by the Committee of University Chairs (CUC).

12. Universities curate their own due diligence processes which are employed when accepting income from overseas governments, organisations or
individuals. Due diligence checks generally look at the background and history of the proposed partner, including their relationship with any undemocratic nations. Universities UK is currently examining the due diligence processes universities use to provide further guidance for how to improve them.

13. Universities often consult with sector bodies and groups with more expertise when developing and improving policies and practices, drawing on expert and professional advice and engaging with government as and when is appropriate. Universities UK is working closely with government departments and other organisations to mitigate the threats posed by hostile state actors and strengthen risk management in the higher education sector. In addition, it is continuing to raise awareness of the risks faced by issuing guidance to university leaders and researchers and involving government departments in discussions with senior leaders.

14. Universities in England also work alongside and gain support from the Office for Students to minimise foreign interference and promote academic freedom.

   a. Universities are subject to Prevent legislation, which requires them to report annually to the Office for Students on their initiatives for promoting British liberal values and their strategies for tackling extremism. This includes the combatting of anti-democratic values and influence.

   b. In performing its access and participation functions, the Office for Students has a duty to protect academic freedom and the autonomy of institutions. This is outlined in Section 36 of the Higher Education and Research Act 2017.

15. There are similar protections in place in Scotland and Wales:

   a. Section 23 of the Higher Education Governance (Scotland) Act 2016 states a post-16 education body must aim to uphold the academic freedom of all relevant persons.

   b. Section 48 of the Higher Education (Wales) Act 2015 stipulates that when acting, the Higher Education Funding Council for Wales must take into account the importance of protecting academic freedom.

16. Universities UK is open to working with government to explore the options around exchange of information and data that might enable institutions to take collective action on specific issues.

**Are market incentives diminishing the value of academic freedom?**

17. Universities must take a variety of considerations into account before collaborating with any organisation, these include: the financial security of the
institutions, conflicts of interest, legal compliance, intellectual property, cumulative risk, reputational risk and integrity.

18. Universities are legally required to do all that is reasonably practicable to promote academic freedom as outlined further in this submission.

19. The CUC code of governance stipulates that a university’s governing body must ensure an institution is financially sustainable and ‘use public funds for proper purposes’.

20. The CUC code also requires governing bodies to protect the reputation and integrity of their institutions and control against cumulative risk.

Should academic freedoms be balanced with the commercial interests of universities?

21. Universities are not commercial bodies and seek to remain financially sustainable for academic and research activities – not to make a profit. All members of Universities UK must meet specific membership criteria. These criteria include support for the principle of academic freedom for all staff and students as is enshrined in Section 43 of the Education Act 1986 ‘Freedom of speech in universities, polytechnics and colleges’. This is a positive legal duty, institutions are obliged to do all that is reasonably practicable to protect freedom of speech, rather than merely refrain from limiting or restricting it. Hence, Universities UK’s view is that institutions should do all that is reasonably practicable to secure freedom of speech.

What is the FCO doing to help universities counter threats to academic freedom by autocracies? What more could it do?

22. Universities are working with and benefitting from links with the FCO. For example, the UK Science and Innovation Network provides advice and intelligence to universities by delivering guidance on how to navigate local conditions when carrying out research overseas.

23. The FCO is one of several departments committed to ensuring universities can counter threats to academic freedom by autocracies. Recent efforts across Whitehall to better coordinate these government departments have marked an improvement in the support for universities in this area.

24. Universities UK is calling for a single point of contact within government. This would serve two purposes:

   a. It would ensure greater consistency across departments in the government’s approach to countering the threat of hostile actors in the higher education sector.
b. It would provide higher education institutions with a contact point for seeking advice and information on security related issues.

What more can the UK do to protect UK-based researchers who carry out research abroad?

25. Individual universities have policies and processes in place to protect UK-based researchers who carry out research abroad.

26. Universities UK is working with partners to develop sector-level guidance for institutions. This guidance will include examples of good practice from institutions.

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