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ACADEMIC FREEDOM, INSTITUTIONAL AUTONOMY, AND THE ENGAGED UNIVERSITY

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THE ENGAGED UNIVERSITY

The popular belief that the University is an ivory tower has never been very convincing. Had that belief been true, the

University would not have survived for centuries, longer than any current institution except Parliament and the Church. Nevertheless, the

popular belief does point to an institution that stands aloof from its surrounding society, and that idea cannot be entirely discounted.

An ability to reflect and have a bit of distance are necessary for the University to fulfill its role as a venue to understand and help solve the larger problems that face humanity. Addressing burning issues such as climate change, sustainable development, migration, societal divides, rising extremism and a democratic deficit requires that higher education institutions, faculty and students have the freedom and the will to consider issues both in the short term and in a broader and longer-term perspective.

But the ability to reflect and take a step back does not mean stepping out. Universities and academics must be present in public debate and contribute to solving our most significant problems through research, teaching and informed engagement. In many cases, the contribution of the academic community will be one nobody else could make, providing an essential input and working along with others to improve the quality of life.

The engaged university, therefore, is an institution that fulfills its broader societal role as an independent institution, drawing on its research, teaching and institutional resources. It is neutral in the sense of being non-partisan, but it is far from neutral in the sense of being devoid of values or convictions. It is committed to the public good, to democracy and human rights, and to basing policies and decisions on facts established through study, research, and critical reflection – as well as to

challenging received wisdom based on new discoveries. Luckily, the academic community is increasingly embracing the idea of engagement as a moral and intellectual imperative and as a part of its academic and institutional identity (Benson, Harkavy, Puckett, et al., 2017; Brink 2018).

THE DEMOCRATIC MISSION OF HIGHER EDUCATION

The engaged university, then, seeks to fulfill the democratic mission of higher education. An important component of the democratic mission of higher education is to motivate young people to exercise their voting rights and to do so on the basis of a considered and coherent view of how they want society to develop. Part of the democratic mission is to provide young people with the competences to do so – what the Council of Europe has come to call competences for a culture of democracy (Council of Europe 2018). The Council of Europe model comprises 20 competences centered around four clusters:

- values,
- attitudes,
- skills,
- knowledge and critical understanding.

Nevertheless, seeing democracy as an issue uniquely of electoral participation is insufficient. Democracy requires free and fair elections but also participation by citizens¹ in the life of societies and communities between and beyond elections. At a time when people seem to focus largely on their own interests and private space, a major part of the democratic mission of higher education is

to stimulate commitment in their students, graduates, faculty and staff to public space and the public good.

Voting and participation require deliberation (Gutmann and Thompson 2004). The ability to develop one's own views and arguments and the will and ability to seriously consider those of others are part and parcel of the competences required for a culture of democracy. They are also part and parcel of the competences higher education should develop in its students. The Council of Europe has developed the notion of multiperspectivity, originally within its history education program (Council of Europe 2001). In this context, multiperspectivity implies recognising that my history is not only mine but also that of my neighbours and that they may legitimately have a different view.

More broadly, multiperspectivity implies that we need to seek to see issues from several points of view and to understand why others may hold very different views from our own. Multiperspectivity, however, does not mean that all views are equally

valid. We are not obliged to give up our own view unless we are convinced by the arguments of others, or by the recognition that there are views that will always be unacceptable. Slavery and genocide are two examples of phenomena that cannot be legitimised regardless of how often they may have occurred in history. These

examples also show the need to distinguish between *understanding* any given phenomenon and *accepting* it as legitimate. If we cannot understand the factors that led to slavery or genocide, we will also be unable to prevent them in the future. A culture of democracy must encourage confronting, even challenging, unacceptable views with arguments.

The democratic mission of higher education is developed *within* institutions – on campus – as well as *outside* of institutions – in society at large.

Within institutions, the democratic mission is furthered through research, teaching, learning and engagement. Students acquire the

¹ In the sense of members of a given community, not just as holders of a given nationality or passport. In many countries, non-citizens have voting right in local and regional elections, subject to residence requirements, and resident non-citizens participate in civil society associations.



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competences required to be active, reflecting citizens. Competences for democratic culture comprise a set of attitudes and behaviours that seeks resolution of conflicts through dialogue; that accepts that while majorities decide, minorities have certain inalienable rights; and that sees diversities of background and opinion as a strength rather than as a threat. These competences are developed through study programs, in the classroom, but also by engaging in community work and with associations, which may or may not be part of a study program.

The democratic mission of higher education is also developed through institutional culture: institutions cannot credibly teach democracy without practicing it. Democratic practice comprises student, faculty and staff participation in the governance of the institution and its faculties and departments as well as participation in student associations. This approach, reminiscent of the Kantian imperative to “act in such a way that each one of your actions can be the basis for a law”, is also known as a whole institution approach.

Higher education institutions must be “whole institutions” – they cannot preach without practicing. It may be worth underlining that the injunction to be “whole institutions” in no way diminishes or relativises the need for facts, knowledge and understanding. Rather, a whole institution approach reinforces this need, since the institution and its academic community cannot argue their importance in some contexts and dispense with them in others. Outside of the institution, the democratic mission is pursued through community engagement as well as by

institutions and the academic community playing a broader societal role. The University of Pennsylvania (Weeks 2019) and Queen’s University Belfast (Gallagher 2019, Gallagher and Harrison 2015) are both examples of universities with high ambitions and standing in research and teaching that also play important roles in disadvantaged parts of their local communities. Penn and Queen’s are but two examples among many community-engaged higher education institutions in the US and Europe, even if our impression is still that US institutions generally give higher priority to community engagement than many European institutions do.

More broadly, members of the academic community provide knowledge and expertise on many issues of societal importance, from poverty through climate change to urban planning. It is an important reason why broader society should finance higher education and research. Just as democracy cannot be built on ignorance, sustainable solutions to our societal challenges cannot be found except on the basis of the most advanced knowledge available, which universities, often working with partners in

government, business, and the community, provide. This does not preclude what is accepted knowledge today from being challenged by new research tomorrow.

A TRANS-ATLANTIC COOPERATION

Since 1999, the Council of Europe and the International Consortium for Higher Education, Civic Responsibility and Democracy have been working together to advance the democratic mission of higher education. The first part of the cooperation was a project on the University as Sites of Citizenship, and since 2006 the action has focused on a Global Forum every 2–3 years, always followed by a book in the Council of Europe Higher Education Series²:

- The Responsibility of Higher Education for a Democratic Culture (Council of Europe Headquarters, Strasbourg, June 2006)³
- Converging Competences: Diversity, Higher Education, and Sustainable Democracy (Council of Europe Headquarters, Strasbourg, October 2008)⁴
- Reimagining Democratic Societies: A New Era of Personal and Social



Significant violations of academic freedom and institutional autonomy threaten democracy. Sadly, their frequency is on the rise. Public authorities and the academic community alike must be vigilant in addressing and challenging such violations.

Responsibility? (University of Oslo, June 2011)⁵

- Higher Education for Democratic Innovation (Queen's University Belfast, June 2014)⁶
- Higher Education for Diversity, Social Inclusion, and Community: A Democratic Imperative (LUMSA University, Rome, June 2017)⁷
- Academic Freedom, Institutional Autonomy, and the Future of Democracy (Council of Europe Headquarters, Strasbourg, June 2019)⁸, to which we will return shortly.

Each Global Forum has gathered higher education leaders from Europe and North America, and increasingly also from other parts of the world; and in 2018 the Organization of American States joined the cooperation.

The trans-Atlantic cooperation has recently been extended to comprise the local mission of higher education (Bergan, Harkavy and Munck 2019), in cooperation with the Anchor Institutions Task Force⁹. Engagement in and with the local community is a core part of the democratic mission of higher education. It would be inconsistent, indeed problematic, to work for democracy at national, continental or global scale but neglect one's immediate environment. To use the analogy of the whole institution approach, the democratic mission of higher education must be a "whole community" approach, with the community comprising local, regional, national, continental and global dimensions. We are therefore exploring how an organised European platform for cooperation on the local mission of higher education could best be established based

on the three thematic conferences held so far, in Rome in 2017, in Dublin in 2018, and in Strasbourg in 2019. The next step will be to establish a small task force to consider possibilities for organising a platform that would combine advocacy and exchange of experience.

FREEDOM AND AUTONOMY TO ENGAGE

Democracy cannot exist in the absence of freedom of thought and expression, without an independent judiciary, and unless the authorities organising and overseeing elections have the will and ability to ensure that these are free and fair. Democracy also will not become a reality without engaged and committed citizens willing to work for the common good and with the competences to do so.

Higher education relies on these and other core components of democracy. Additionally, there are two values specific to the academic world, academic freedom and institutional autonomy that undergird higher education's role in democratic society. These, and their importance to the future of democracy, were the focus of the 2019 Global Forum referred to above, held at Council of Europe Headquarters in Strasbourg on June 20–21. The following section of our article will in particular draw on the declaration adopted by the Forum (Global Forum 2019), the context that prompted this declaration at this time, as well as the debates at the Forum.

There are several reasons why the 2019 Global Forum focused on academic freedom and institutional autonomy. The immediate background is the increasing concern that the values we have come to take for granted are now under threat

in ways Europe and North America have not seen for at least three decades, since the fall of the Berlin Wall. This event symbolises the political changes that extended democracy in principle to all of Europe, at least in terms of discourse and in most countries in terms of action, albeit at different levels of success. The Global Forum recognised this challenge by stating: "Significant violations of academic freedom and institutional autonomy threaten democracy. Sadly, their frequency is on the rise. Public authorities and the academic community alike must be vigilant in addressing and challenging such violations, and the responsibility for doing so does not stop at institutional or national borders. An attack on the freedom of one

² <https://www.coe.int/en/web/higher-education-and-research/publications>, accessed July 18, 2019.

³ <https://www.coe.int/en/web/higher-education-and-research/forum-the-responsibility-of-higher-education-for-a-democratic-culture-2006->, accessed July 18, 2019.

⁴ <https://www.coe.int/en/web/higher-education-and-research/invitational-forum-on-converging-competences-diversity-higher-education-and-sustainable-democracy-2008->, accessed July 18, 2019.

⁵ <https://www.coe.int/en/web/higher-education-and-research/conference-reimagining-democratic-societies-a-new-era-of-personal-and-social-responsibility->, accessed July 18, 2019.

⁶ <https://www.coe.int/en/web/higher-education-and-research/conference-higher-education-for-democratic-innovation->, accessed July 18, 2019.

⁷ <https://www.coe.int/en/web/higher-education-and-research/conference-higher-education-for-diversity-social-inclusion-and-community-a-democratic-imperative->, accessed July 18, 2019.

⁸ <https://www.coe.int/en/web/higher-education-and-research/-/global-forum-on-academic-freedom-institutional-autonomy-and-the-future-of-democracy>, accessed July 18, 2019.

⁹ <https://www.margainc.com/>, accessed July 18, 2019.



member of the academic community or the autonomy of one institution is an attack on the fundamental values of our democracies, regardless of where it takes place” (Global Forum 2019: paragraph 9).

While democracy has never been without potential for improvement, its basic premises are now questioned in Europe through nationalism, populism – mainly of the right but also of the left – and attempts to make “illiberal democracy” the New Speak equivalent of the real thing. Analogous developments are occurring in the United States. The declaration adopted by the Global Forum unequivocally states that “Higher education can only fulfil its mission if faculty, staff and students enjoy academic freedom and institutions are autonomous; principles laid out in the Magna Charta Universitatum as well as the UNESCO Recommendation on the Status of Higher Education Teaching Personnel”

(Global Forum 2019: paragraph 2).

As part of these developments, the freedom of academics to conduct research and publish research results unbound by political, economic and other external considerations, as well as the autonomy of institutions are coming under increasing pressure in many countries, with the Central European University in Budapest but one example – cited here because the Provost of this university provided the keynote address at the Global Forum.

Academic freedom and institutional autonomy are not independent from academic and institutional responsibility to democracy and the common good. Among other things, that responsibility entails higher education demonstrating “openness, transparency, responsiveness and accountability as well as the will and ability to work with and contribute to

the communities in which colleges and universities reside” (Global Forum 2019: paragraph 2).

The global scope of this Forum is important because, while concern about the state of academic freedom and institutional autonomy is near universal, the most salient issues vary between countries and continents.

For example, the focus in the United States is largely on academic freedom and its relationship to the right to free speech on campus, most recently prompted by the alt right movement. Are these rights without limits or can universities legitimately refrain from giving a pulpit to those who would use the values of democracy to destroy its very soul by propagating hate speech? Does my freedom of speech extend to a right to question your basic humanity?



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Academic freedom is essential to both democracy and the quality of teaching and research and should therefore suffer as few restrictions as possible. The Global Forum declaration states: “Campuses must be fora of vigorous debate and honest pursuit of truth, guided by the desire to help all human beings. Any limits on freedom of expression must be based on protection of the specific rights of others (e.g., to protect against discrimination or defamation) rather than on expediency or to advance a single political ideology” (Global Forum 2019, paragraph 6).

In Europe, the focus is largely on institutional autonomy. The European and US views of the proper role of public authorities in higher education diverge significantly, which makes a trans-Atlantic dialogue important in itself, but the dialogue is also important to develop our considerations beyond the traditional

European emphasis on institutional autonomy primarily as an issue of the legal relationship between public authorities and higher education institutions.

Laws are of course important, and neither academic freedom nor institutional autonomy can exist unless a country’s legal framework allows them to exist. If public authorities are able to ban or refuse to accredit specific study programs or disciplines on ideological grounds, as recently happened with gender studies in Hungary,¹¹ or to impose or ban specific schools of thought, as with Marxist philosophy in countries under Soviet influence for much of the post-World War II period up to the fall of the Berlin Wall, the need for effective legal protection of institutional autonomy has clearly not been met in the country in question.

At the time of writing, a draft law is under

consideration in the Albanian Parliament that would limit the study of the crimes of Communism during World War II, arguing that “the Communist regime cannot be linked with the Anti-Fascist and National Liberation War [WWII]” because the “elimination of political enemies only started after the war”¹². In the United Kingdom, a senior Member of Parliament – thus, a lawmaker – elicited strong rebuke from both the academic community and many political actors when he asked universities for an overview of “faculty

¹¹ <https://www.universityworldnews.com/post.php?story=20181020111651678>, accessed July 18, 2019.

¹² <https://balkaninsight.com/2019/07/16/albania-to-ban-the-study-of-wwii-as-part-of-communist-period/>, accessed July 18, 2019.

¹³ <https://www.theguardian.com/education/2017/oct/24/universities-mccarthyism-mp-demands-list-brexit-chris-heaton-harris>, accessed July 18, 2019.

teaching European affairs, with special reference to Brexit” as well as “copies of the syllabus and links to the online lectures which relate to this area”¹³.

However, laws alone cannot guarantee that rights are effectively enjoyed, and many issues related to academic freedom and institutional autonomy rely not only on a legal framework but on practice and attitudes as well as on an understanding of principles and nuances.

Neither academic freedom nor institutional autonomy is absolute, and the academic community does not exist independent of society. Few if any would argue that higher education institutions should be exempt from general laws regulating the safety of laboratories, financial accountability or the obligation to ensure fair and non-discriminatory practices for employment and access to study programs. In democratic societies, higher education institutions are in general not free to limit or deny access to members of certain groups.

Not being exempt from such general laws is not a question of whether the higher education institutions are public or private, for, in either case, they are part of an education system for which public authorities are responsible, and both public and private institutions carry out a public mandate to provide higher education.

Considering institutional autonomy also implies assessing the proper role of public authorities. At least in Europe, public authorities have a clear responsibility for the education – including higher education – system, and the attachment to public funding of higher education is strong. The Ministers of the European Higher

Education Area have twice stated that higher education is a public good and a public responsibility (Bologna Process 2001, 2003), and in 2012 they referred to the importance of public funding: “...we commit to securing the highest possible level of public funding for higher education and drawing on other appropriate sources, as an investment in our future” (Bologna Process 2012: 4). In Europe, it would generally be seen as legitimate for public authorities to ensure higher education provision in all parts of the country or provision in academic areas considered of particular importance. Hence, public authorities would be seen as acting within their mandate if they establish an institution in an underserved part of the country or finance study programs in e.g. minority languages or areas of particular strategic or economic importance, such as programs in artificial intelligence. It would, however, not be seen as proper for public authorities to give instructions on the details of study programs or curricula.

The Global Forum declaration referred to these challenges: “Administrative regulations, public and private indifference, considerations of immediate return on investment, a limited view of utility, and seeing higher education only through the lens of a narrow economic agenda also threaten academic freedom and institutional autonomy. Financial regulations and arrangements should be used to further rather than to limit institutional autonomy. More broadly, academic freedom and institutional autonomy are threatened by the absence of a vision that connects the purposes of higher education to democratic purpose” (Global Forum 2019, paragraph 11).

The financing of higher education also has an impact on both academic freedom and institutional autonomy. There are at least two issues at stake. On the one hand, if a single source finances a high proportion of the overall budget, whether of the institution as a whole or of a given study program or research project, this puts the funder in a position where it could exercise considerable influence. However, the second factor is also important: funding may also be given with strictly specified conditions that may even extend to limiting the right to make research results public or influence the content of study or hiring of faculty. For example, the US-based Center for Public Integrity in 2014 accused the Koch brothers of giving a large gift to Florida State University that stipulated both curriculum and hiring decisions¹⁴.

The Global Forum declaration recognised issues related to funding models and conditions by stating: “Academic freedom and institutional autonomy are also threatened when financial support from individuals, private corporations, or institutional donors predominantly determines the focus of research and teaching and diminishes the public and democratic purposes of higher education. In general, public funding is fundamental, but financial support from multiple sources and financing not narrowly earmarked can strengthen academic freedom and

¹⁴ <https://publicintegrity.org/federal-politics/koch-foundation-proposal-to-college-teach-our-curriculum-get-millions/>, accessed July 18, 2019. In the United States, the Koch brothers are powerful economic actors with a record of large donations to organisations and causes with a specific ideological agenda.

institutional autonomy without diminishing the crucial societal role of higher education” (Global Forum 2019: paragraph 10).

A CALL FOR ACTION

Paradoxically, to some extent academic freedom and institutional autonomy depends on public authorities refraining from taking certain kinds of action. As discussed above, public authorities can limit or impede the exercise of academic freedom and institutional autonomy through legislation, policies at system level, funding decisions, or – in some cases – by creating an atmosphere of insecurity in society at large.

However, academic freedom and institutional autonomy are not just a question of non-action. To the contrary, public authorities, the academic community, higher education institutions, and others should take positive action to safeguard and further these fundamental values of higher education. It is worth quoting the declaration adopted by the Global Forum at some length on this issue: “The participants in the Global Forum therefore call on

Members of the academic community and their organizations

- to orient their research, learning, and teaching toward developing knowledge and understanding based on facts and science and interpreting these in a spirit of open mindedness and respect for differences of views, backgrounds, and traditions;
- to provide broader society with factually based knowledge and to base their own participation in public

debate on the same standards of truthfulness, open mindedness and respect that should be at the base of their academic work;

- to refrain from any actions that could contribute to – or legitimize – the spread of false or misleading information, including spurious claims of “fake news” and
- “alternative facts”, or willful distortion of the results of their own research or that of others.

Higher education institutions and their leaders

- to raise awareness among members of the academic community of the importance of academic freedom and institutional autonomy as well as the crucial role of higher education to democracy;
- to commit to maintaining, developing, and sustaining the public purpose and social responsibility of higher education;
- to explore the role and meaning of academic freedom and institutional autonomy within their respective institutions and systems, and the steps needed to protect these in an increasingly polarized and divided public sphere;
- to commit to – or maintain their commitment to, as the case may be – the Magna Charta Universitatum.

Higher education leaders and their organizations as well as public authorities at all levels

- to create and maintain the conditions for the academic community to enjoy freedom of research, learning, and

teaching as well as the freedom to engage in public debate based on their academic work;

- to create and maintain an atmosphere of vigorous and respectful debate within their institutions and higher education systems;
- to ensure faculty, staff and students the freedom to teach, learn and research without the fear of disciplinary action, dismissal or any other form of retribution.
- to give due regard to academic freedom and institutional autonomy in setting higher education priorities, developing policies, and assessing funding options.
- to provide sufficiently secure employment conditions for faculty/academic staff to exercise academic freedom.

Public authorities

- to set the framework for academic freedom and institutional autonomy and continuously monitor the implementation of those fundamental rights, while encouraging the adoption of sustainable long-term strategies for higher education;
- to take due account of the principles of academic freedom and institutional autonomy in developing regulations and policies in other areas of public responsibility;
- to balance the need for general rules and regulations ensuring the protection of individuals and guaranteeing sound public administration with respect for the principles of academic freedom and institutional autonomy;

- to provide strong public funding as a basic requirement for autonomy and academic freedom.

The Council of Europe, the Organization of American States, and other international institutions and organizations

- to make academic freedom and institutional autonomy key elements of their work to further democracy, human rights, and the rule of law, through normative standards as well as policy;
- to address violations of academic freedom and institutional autonomy within their member States at a political level as well as through their Education programmes and projects.

The Ministers of the European Higher Education Area, who will meet in Rome in June 2020

- to recommit to upholding academic freedom and institutional autonomy as part of the foundation on which the European Higher Education Area is built;
- to include the gathering of information on the respect for academic freedom and institutional autonomy in the Bologna Process Implementation Reports and to provide and facilitate the gathering of such information within their own countries and systems;
- to address violations of academic freedom and institutional autonomy at political level within the European Higher Education Area, in view of their collective political responsibility for the EHEA.

The Council of Europe, the International Consortium for Higher Education, Civic

Responsibility and Democracy, the Organization of American States, and other partners in our cooperation on the democratic mission of higher education

- to continue their work to strengthen the role of higher education in developing, maintaining, and sustaining democratic societies;
- to continue to highlight the importance of academic freedom and institutional autonomy in furthering higher education’s democratic mission as well as to develop policy proposals and engage in public advocacy to more fully achieve that mission” (Global Forum 2019).

CONCLUSION

We hope to have demonstrated the importance not only of higher education institutions and of the academic community engaging with the significant burning issues we face as societies, but that this should be at the heart of the mission of higher education. It should be a part of higher education’s DNA. Our societies cannot prosper or even survive without the engagement and contribution of higher education.

In our view, higher education cannot fully play this role except in democratic societies. Democracy is vital to enabling higher education to play its societal role, but higher education is equally vital in safeguarding and developing democracy.

The democratic mission of higher education, which is the foundation for the engaged university, is, then largely an issue of how higher education works with its local community, the broader society, and the world. However, higher education cannot play its proper role

in furthering democracy – as well as in furthering the quality of research, teaching and learning – unless it enjoys academic freedom and institutional autonomy. This is not a privilege but a condition for higher education to make its full contribution to the society of which it is a part.

On the face of it, this is a straightforward statement with which it would seem difficult to disagree on grounds of principle. Nevertheless, translating the basic principle into available legislation, policy and practice is far from straightforward. We hope to have explored some of the complexity of the issue, which is a considerable challenge to the academic community as well as to those in broader society who wish to further democracy.

Our task as educators and policy makers is to continue to explore the many issues of academic freedom and institutional autonomy, to strengthen higher education and to strengthen democracy. Few sectors of society are better placed than higher education to develop the competences required for voting, participation, respectful deliberation and democratic problem solving. Rarely has this task been as urgent as it is now. Higher education must engage today to help develop and maintain the kind of society in which we would like to live tomorrow.

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