ASSESSMENT FRAMEWORK

Partnerships Advisory Committee

Drafted by:
Prof. Lutgarde Buydens
Dr Cees Leijenhorst
Prof. Paul Bovend'Eert
Dr Jos Kole

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Introduction

Partly in response to the recent developments in Israel and the Palestinian territories, Radboud University's Executive Board has established an independent Partnerships Advisory Committee. This Advisory Committee has been tasked with examining and weighing Radboud University's institutional partnerships, with a particular focus on partner institutions in conflict zones. To assess these partnerships, the Committee has developed an Assessment Framework.

While developing the Assessment Framework, the Committee initially focused on institution-wide partnerships with partner institutions in conflict zones. Partnerships with institutions not located in a conflict zone have been excluded for the time being. However, the Committee has taken into account the fact that the Assessment Framework could eventually be used for these partnerships as well. An adapted Assessment Framework will be made available for individual collaborations between academics.[1]

In developing and writing the Assessment Framework, the Committee relied on several authoritative sources. It has also taken advice from various internal and external experts and specialists. In addition, the Committee exchanged knowledge, ideas and experiences with knowledge institutions in the Netherlands and abroad. Finally, it made grateful use of the proceeds from the participation process. This Assessment Framework can be used to assess partnerships.

In this Assessment Framework, we chose not to assess partnerships against the University's vision and mission, although these were included in our assignment. When an institution restricts the academic freedom of its staff by deciding to end collaboration with other institutions, that decision should be based on moral and legal considerations that are generally valid or widely accepted within the academic community and society. The influence of an academic institution would be too great if it could decide to restrict academic freedom solely on the basis of its own self-formulated vision and mission.

The following Assessment Framework first addresses one of the main conditions for academic research and teaching, namely the academic freedom of every researcher, lecturer and student (Section 1). It then discusses how that freedom could possibly be curtailed by university boards if the partner institution is involved in serious human rights violations (Section 2) and/or serious breaches of academic integrity (Section 3). The situation for collaborations other than MoUs is then addressed (Section 4). Finally, attention is devoted to the Committee's procedure when assessing a concrete collaboration with a partner institution (Section 5).

[1] There is an important difference between an academic institution considering cooperation with other institutions and an individual staff member considering cooperation with individual staff members at other institutions. By deciding to terminate a partnership, an academic institution automatically restricts the individual academic freedom of its employees. In contrast, an individual researcher may include a broader range of their own norms and values in their consideration.

1. Academic freedom and ways it can be curtailed

What is academic freedom?

Within the university, a variety of norms and values apply to academic research and teaching. One of the most fundamental norms concerns the academic freedom to design and conduct research and teaching as one sees fit. Academic freedom, by common understanding, includes: a researcher's freedom to choose research topics, define research questions and determine research methods, to access research sources, to publish and share research results in conferences and lectures, to be a member of scientific editorial boards and groups, and to enter into cooperation with other scientists, scientific institutions and universities; a lecturer's freedom to shape and conduct academic higher education; a student's freedom to receive education, and to not be forced to adhere to or proclaim certain scientific views.[2]

Academic freedom is not an end in itself. It aims to give scientists room to broaden, deepen and renew their scientific knowledge and insights, and to share new and known insights with students through teaching, so that they in turn can develop into critical thinkers. In this sense, academic freedom is closely linked to an adequate practice of science, free from external pressure or external influence to include, for example, political principles or commercial factors in research or teaching.

This Assessment Framework focuses on academic freedom with regard to the above-mentioned aspect of cooperation, more specifically ‘external’ cooperation with other universities, their scientists and institutes, student exchange between universities, and cooperation with other external non-scientific partners, such as companies, governments and organisations. Researchers, lecturers and students must also be safeguarded from external pressure or influence when entering into external partnerships.

Academic freedom as a legal norm

The principle of academic freedom is enshrined in Dutch law and constitutional law. Article 1.6 of the Higher Education and Research Act states that academic freedom shall be observed at higher education institutions and teaching hospitals. According to the explanatory note to this legal provision, individual lecturers, researchers and students have the freedom when teaching, conducting research or receiving education, respectively, to adhere to their own scientific views and not be dependent on certain political, philosophical or science-theoretical views.[3]

In international fundamental rights treaties, we find the principle of academic freedom, among others, in Article 15(3) of the International Covenant on Economic, Social and Cultural Rights, which stipulates that the states concerned undertake to

[2]Royal Netherlands Academy of Arts and Sciences (KNAW), Academische vrijheid in Nederland. Een begripsanalyse en richtsnoer (Academic freedom in the Netherlands. A concept analysis and guideline), Amsterdam 2021. Joris Groen, *Academische vrijheid: een juridische verkenning* (*Academic freedom: a legal exploration),* PhD dissertation, Rotterdam.

[3] Parliamentary Papers II 1980-1981, 16802, no. 3, p. 49-50.

“respect the freedom indispensable to the conduct of scientific research and creative work.” Article 13 of the Charter of Fundamental Rights of the European Union furthermore states that the arts and scientific research should be free and academic freedom should be respected.[4]

Obligations for government and university boards

Academic freedom primarily entails that the government should refrain from substantive interference in academic research and teaching. Even if the government is the commissioning party, it should not try to influence the results of scientific research or, for example, prevent publication of unwelcome results of the research. In addition, the government should protect and facilitate academic freedom, for example by ensuring the free publication of research results.[5]

By extension, the government should equally refrain from interfering in collaborative ventures entered into by scientists or universities and the activities they carry out within the framework of their collaboration. The same applies with regard to student exchanges.

The government should not only respect the academic freedom of researchers, lecturers and students, but it should also respect the autonomy of university institutions. This autonomy with regard to the organisation of research and teaching is necessary to achieve academic freedom for researchers, lecturers and students.

The board of a university, faculty or institute should also respect academic freedom. It should take a neutral stance and refrain from any measures that amount to a restriction of the academic freedom of researchers, lecturers and students. This also means that these boards should allow their researchers, lecturers and students to enter into and flesh out partnerships.

Limits to academic freedom

Academic freedom is not limitless or absolute. This freedom, like most freedoms and fundamental rights, is subject to all kinds of restrictions, legal or otherwise.

First, university institutions, researchers, lecturers and/or students are obviously also subject to law and justice. This also applies when entering into partnerships. For example, if international sanctions are imposed on countries under sanctions legislation, forms of cooperation with institutions in the countries concerned become legally impossible.[6]

Second, there are various statutory regulations and associated internal university regulations regarding the organisation of teaching and research at a university, which directly or indirectly restrict academic freedom. Think of the Education and Examination Regulations, which have far-reaching effects on how education is organised,

[4] See further KNAW 2021, p. 23-25, which also addresses the relationship to other fundamental rights, such as freedom of expression.
[5] KNAW 2021, p. 29-30; Groen 2017, p. 72-73.
[6] Consider sanctions against North Korea and Iran, which can make international collaboration between universities impossible.

or of the system of educational accreditation (carried out by the Accreditation Organisation of the Netherlands and Flanders, NVAO), which in practice imposes strong norms on the organisation of education.

Third, serious and systematic human rights violations and serious and systematic breaches of academic integrity can act as a lower limit for the university to restrict the academic freedom of academics. These two limits are discussed in Sections 2 (human rights) and 3 (academic integrity), respectively.

Finally, the National Guideline on Knowledge Security aims to prevent the unwanted transfer of sensitive knowledge and technology to other countries.[7] Transfer is undesirable if it affects national security. Knowledge security is also at stake in case of covert influence (or the threat of such influence) on education and research by foreign state actors.[8] This may be a reason for curtailing academic freedom and restricting the formation of partnerships. This Assessment Framework does not go into the topic of knowledge security in further detail, since Radboud University has a separate Knowledge Security Advisory Team.[9] Nor do we discuss sustainability in the context of partnerships, since for this too, there is a separate work group.

An Assessment Framework for partnerships

Respecting academic freedom implies that institutional boards should be weary of curtailing it. Restraint should also be exercised when setting restrictions on entering into partnerships. Against this background, this Assessment Framework assumes that when it comes to partnerships, an institution may only consider curtailing academic freedom if entering into or maintaining a partnership will lead to a violation of legal obligations (including treaty obligations), a general violation of the law, or a violation of generally acknowledged codes (of conduct or other).

Recently, the question has arisen as to whether a lower limit on academic freedom, and thus on entering into partnerships, is reached when a collaboration leads to undesirable connections with institutions that are in turn involved in serious and systematic government violations of human rights. This Assessment Framework recognises that this circumstance may also constitute a violation of the lower limit of academic freedom. In other words: a restriction of academic freedom by the board of an institution with respect to partnerships is also justified if the situation involves entering into or maintaining partnerships with universities, institutes or organisations that specifically and directly cooperate in serious and systematic human rights violations by their own government.

In addition, academic freedom to enter into partnerships may be curtailed in response to serious and systematic violation of principles and standards of academic integrity. These two specific restrictions on academic freedom (based on human rights violations and breaches of academic integrity) are discussed below.

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[7] UVN, KNAW and others, Nationale leidraad kennisveiligheid. Veilig internationaal samenwerken (National Guideline on Knowledge Security. Safe International Cooperation), January 2022.
[8] Cf. the 2022 affair surrounding China's funding of a human rights centre at VU Amsterdam.
[9] See the Knowledge Security Policy Framework.

2. Partnerships and human rights violations

Entering into partnerships with external partners is an indispensable component of university research and teaching. The University participates in numerous large-scale research projects with many external, foreign partners, but also enters into partnership agreements with individual universities or institutes, and with other non-scientific organisations. Besides collaboration at institutional level, there are partnerships at faculty level and also many collaborative structures on an individual basis between scientists.

In addition, cooperation in the field of education has boomed over the years, through joint educational programmes and student exchanges (within Europe particularly thanks to the Erasmus programme). Research and education are highly internationalised. Radboud University maintains partnerships on all continents. Within this international context of cooperation in research and education with partners around the world, including partners in conflict zones, the question may arise whether and to what extent potential human rights violations may form an obstacle to entering into or maintaining partnerships.

Meaning and content of human rights

Human rights (or fundamental rights) are fundamental rights or claims of citizens aimed at guaranteeing a dignified existence.[10] They are mostly enshrined in the national constitution and in international treaties, and therefore of a higher order than ordinary legal rights.

Important sources for human rights are the UN International Covenant on Civil and Political Rights (1966), and some other specific UN human rights treaties, such as the UN anti-discrimination treaties, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1984) and the Genocide Convention (1948), as well as the European Convention on Human Rights and its protocols, and the Charter of Fundamental Rights of the European Union.[11]

In the classical view, fundamental and human rights apply mainly in the relationship between citizens and the government (vertical effect), whereby the government must refrain from acting unlawfully towards citizens and respect citizens' rights. In addition, human rights today also have effect between citizens (horizontal effect). Consider, for example, the ban on discrimination or the right to privacy that one citizen can also invoke against another.

[10] For more details, cf. C.A.J.M. Kortmann, Constitutioneel recht (Constitutional Law), edited by P.P.T. Bovend'Eert, J.L.W. Broeksteeg, C.N.J. Kortmann, B.P. Vermeulen, eighth edition, Deventer: Wolters Kluwer 2021, p. 417 et seq. and literature cited there; see also in particular Flemish Interuniversity Council (VLIR), Aanbevelingen voor de invoering van een mensenrechtentoets aan de Vlaamse universiteiten (Recommendations for the Introduction of a Human Rights Test at Flemish Universities), Report of the ad hoc VLIR human rights work group 23 October 2019.

[11] See also inter alia the enumeration in the VLIR report 2019, p. 6-7.

Human rights violations and partnerships

It follows from the above that the University's cooperation with an external partner (a university, institute, government or organisation) can be called into question under a variety of different circumstances if human rights violations are at issue.

It is customary in this context to take as a starting point that there must be *demonstrable, serious and systematic* (not incidental) violations of human rights, in this case when the University or an institute or faculty is considering refraining from entering into cooperation with an external partner or suspending or terminating an existing partnership.

How can human rights violations occur in partnerships?

Cooperation with an external partner need not be an issue if it involves a partner in a country in which, although the government seriously and systematically violates human rights (e.g. by imprisoning political opponents without trial, or systematically discriminating against minorities), the cooperation partner itself is in no way involved in those human rights violations, nor do the activities in the partnership involve human rights violations.[12] In such situations, entering into or maintaining a partnership can actually be an important support for a university partner institution that has to operate in extremely difficult circumstances.

The situation is different when a university partner institution itself systematically violates human rights, for example by discriminating against certain persons or groups of persons on grounds of origin, race, religion or political opinion, by denying them access to the university, or by excluding them from certain activities. This could include partner institutions that systematically undermine the right to demonstrate or freedom of expression of researchers, lecturers and students. In such cases, it is obvious that cooperation with such an institution will not be established or continued. Such cooperation may even lead to Radboud University itself being guilty (directly or indirectly) of human rights violations, for example because groups of people are excluded in student exchanges due to the partner institution's policy of discrimination.

The same issues may arise in partnerships with non-university partners, such as governments, if they engage in serious and systematic human rights violations. The institutional board of Radboud University would then have to consider abandoning or terminating cooperation.[13]

If a university partner (or a non-university partner) directly and specifically contributes to serious and systematic human rights violations by their own government, this is also problematic. Such a partner could, for example, support the government by providing knowledge or producing equipment (or even weapons) or other facilities that government agencies use to oppress groups of citizens or otherwise seriously and

[12] Cf. also VLIR report 2019, p. 13.
[13] Cf. also United Nations Office of the High Commissioner, Guiding Principles on Business and Human Rights, New York and Geneva 2011.

systematically violate their human rights.[14] A partner institution could also cooperate in the development of software or hardware for intelligence and security services that systematically violate citizens' human rights, or cooperate in systematic unlawful expropriation of citizens' immovable property.

Even if Radboud University is not itself directly or indirectly involved in human rights violations as a result of the cooperation, cooperation with a partner institution that directly and specifically contributes to serious human rights violations by the relevant government may still be problematic to the extent that the institutional board of Radboud University should refrain from cooperating with that institution. After all, establishing or maintaining a partnership with an external partner institution implies mutual support and respect and development of joint activities. However, joint functioning as partner institutions is seriously compromised when either partner directly and specifically contributes to serious human rights violations by government agencies. Three considerations are important in this context: First, Radboud University runs the risk of becoming directly or indirectly involved in those human rights violations. Second, cooperating with a partner that directly and specifically contributes to serious human rights violations can legitimise human rights violations. Third, such cooperation with a partner directly and specifically involved in serious human rights violations could damage Radboud University's reputation.

[14] Cf. also VLIR report 2019, p. 12.

3. Partnerships and academic integrity

Principles of academic integrity can also lead to significant restrictions on academic freedom. Of particular relevance here are the Netherlands Code of Conduct for Research Integrity and the European Code of Conduct for Research Integrity (ALLEA Code).[15] These codes provide a normative framework for researchers and students in their research activities. For institutional boards, these Codes of Conduct provide a review framework for assessing alleged breaches of academic integrity.

The principles, standards and values of academic integrity included in these two Codes function as 'professional standards'. These are the professional standards that academics must meet to do their jobs well. The principles of academic integrity ensure the reliability of scientific knowledge, the trust that the community and society can have in science, and mutual trust between scientists.

The Netherlands Code of Conduct relies on five basic principles: honesty, diligence, transparency, independence, and responsibility. The ALLEA code mentions reliability, honesty, respect, and accountability. Both Codes concretise these principles into more specific standards for good research.

The Codes mainly concern research and not teaching. Moreover, partnerships are hardly mentioned in the Codes, if at all. Nevertheless, the Codes are indirectly relevant to this Assessment Framework. After all, academic integrity as described in the Codes can be at stake in partnerships in at least two ways: (1) because of the partnership, our University (bodies/employees) is prevented from working in accordance with the Codes of Conduct; (2) the partner with whom there is cooperation does not work in accordance with the Codes of Conduct. This could include a partnership with an institution that is demonstrably, seriously and systematically guilty of plagiarism, fabrication of data, or unacceptable 'conflicts of interest'.

Collaboration with a partner that demonstrably, seriously and systematically violates the Codes of Conduct will compromise the academic integrity of our University. If an institutional partner demonstrably, seriously and systematically violates the Codes of Conduct, this may be grounds for an institutional board to not enter into or suspend cooperation with that partner.

Such violations may occur, for example, in the area of academic independence. Complete independence from a government is not possible, as universities are often funded by their governments. However, cases where, for example, the content of the curricula of a partner institution is entirely or significantly determined by a government violate the critical lower limit that should be set for academic independence. If this concerns a serious and systematic intervention by the government in the independence of a partner institution, it may be grounds for reconsidering the cooperation on grounds of academic integrity.

Another example is in the field of research. Where research at a partner institution involves extensive and systematic falsification of research data and other forms of fraud, for example in an attempt to score higher in academic rankings, this may also be seen as a breach of academic integrity and be grounds for reconsidering the partnership.

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[15] ALLEA, The European Code of Conduct for Research Integrity. Revised Edition 2023, DOI: 10.26356/ECOC, KNAW and others, Netherlands Code of Conduct for Research Integrity, 2018.

A final example: if, at a partner institution, the basic research-ethical principles for human research are systematically violated, so that, for example, there is no voluntary, informed consent from participants, the partnership may also be reconsidered on grounds of academic integrity.

4. Collaborations other than MoUs

When advising on an MOU with a partner, the Committee may also advise on other types of collaborations with the partner in question, if applicable. The following is a categorisation of possible cooperation projects other than MoUs.

Category 1: Collaborations between individual scientists

The recommendations formulated based on the Assessment Framework do not apply to individual collaborations. Individual employees can make their own assessment. For a partnership in this category, the following is important:

1. These are collaborations in which all agreements (substantive and otherwise) are made solely by the individual scientists.
2. No agreement is concluded and no decision is made by any leading organisational unit (faculty, research or education institute, department, ...).
3. The non-RU partner does not use RU financial resources, either to fund research resources or for any other purpose (e.g. travel expenses).
4. The RU employee uses RU financial resources only for their own research or teaching (trips to the partner institution are also not funded by RU).

Individual employees are free to enter into a collaboration at any time. With this freedom comes responsibility. If the Executive Board has decided to curtail cooperation with a partner institution, it is, however, understandable that individual staff members will consider whether to proceed with or enter into the individual cooperation or not. The employee is then advised to:

- take note of the content and considerations of the decision;
- assess the cooperation goal and/or cooperation partner in the light of these considerations and evaluate whether they are at odds with each other;
- to make their own assessment. It is wise to consult with immediate colleagues.

Category 2: Bilateral collaborations with partner institution(s)

This category of collaborations falls within the scope of the Assessment Framework.
For a partnership in this category, the following is important:

1. An agreement has been made or a decision taken at the institution level (faculty, research or education institute, department, ...) engaging RU towards the partner.

Category 3: Multilateral collaborations in consortia

This category of collaborations *does not* fall within the scope of the Assessment Framework, as these are complex partnerships that need to be assessed on a case-by-case basis and the Advisory Committee can therefore not issue a general recommendation regarding them. The Committee recommends that the board of an institution (Dean, Executive Board) assess these collaborations on a case-by-case basis.
For a partnership in this category, the following is important:

1. For a number of research fields, participation in consortia is essential for conducting scientific research.
2. In all cases, limiting or not entering into a consortium collaboration will lead to significant financial and ethical consequences, and may damage RU's reputation as a reliable partner.

3. These collaborations often take place under the banner of national or international bodies or programmes. Examples include the EU framework programmes for research and innovation[16] such as HorizonEU programmes and the EU framework programmes for education[17] such as Erasmus+ and Marie Sklodowska Curie. Research and education consortia may also be established in the context of NATO or NIH[18].
4. The rules and conditions for participation are determined by the funding authority.[19] These may vary from programme to programme.
5. Usually, the RU as a partner has no influence on or say in the number or identity of the other partners.
6. These collaborations are carried out under the responsibility of an authorised organisational unit, usually the faculty.

[16] Funding programmes and open calls – European Commission
[17] https://commission.europa.eu/funding-tenders/find-funding/find-calls-funding-topic/education-and-training-funding_en
[18] NATO – SPS – SPS Grant Mechanisms
[19] HORIZON EU international: https://research-and-innovation.ec.europa.eu/strategy/strategy-research-and-innovation/europe-world/international-cooperation_en, 17 associated countries: https://research-and-innovation.ec.europa.eu/strategy/strategy-research-and-innovation/europe-world/international-cooperation/association-horizon-europe_en.

5. Procedure

Phase 1: Screening
In this phase, information is collected about the partner institution, the joint activities with the partner institution, and the context in which the collaboration takes place. Essential questions that may be raised are:

1. Context: Is the collaboration being implemented in a country where serious human rights violations occur?
2. Does the partner institution directly and specifically contribute to serious human rights violations by their government?
3. Does the partner institution itself demonstrably commit serious and systematic human rights violations?
4. Could our activities in the collaboration with the partner institution lead to contributions to human rights violation(s)?
5. Does the partner institution subscribe to the principles of academic integrity as laid out in the European / Dutch Codes of Conduct?
6. Could our activities in the collaboration with the partner institution lead to contributions to breaches of academic integrity?

In gathering information to answer these questions, the Committee relies on information experts. These questions concerning activities and context are related to the questions assessed by the Knowledge Security Advisory Team.

Phase 2: Deliberation

Based on the information gathered, the Committee deliberates. This involves weighing the information and arguments presented against the principles defined in the Assessment Framework.
Deliberation leads to a choice with one of the following outcomes:

Type of collaboration	Possible outcomes regarding existing collaborations	Possible outcomes regarding new collaborations
MOU	1. Can be continued and renewed under unchanged conditions 2. Introduce conditions upon renewal 3. Introduce conditions immediately 4. Suspend 5. Terminate	1. Can be entered into 2. Subject to conditions 3. Refuse collaboration
Bilateral collaborations (category 2)	1. Can be continued and renewed under unchanged conditions 2. Introduce conditions upon renewal 3. Introduce conditions immediately 4. Suspend (provided there is no breach of contract) 5. Terminate (provided there is no breach of contract)	1. Can be entered into 2. Subject to conditions 3. Refuse collaboration
Consortia (category 3)	The Committee recommends that the board of an institution (Dean, Executive Board) assess these collaborations on a case-by-case basis. Consultation with the Committee is possible.	The Committee recommends that the board of an institution (Dean, Executive Board) assess these collaborations on a case-by-case basis. Consultation with the Committee is possible.

Phase 3: Recommendation

The Committee arrives at a concrete recommendation. This recommendation is justified with a summary of the essential elements of the deliberation. This recommendation is then presented to the Executive Board.

Appendix 1: Possible sources

- CSR risk checker: https://www.mvorisicochecker.nl/nl
- For high-risk sectors: https://www.responsiblesourcingtool.org/
- For sectors or companies: https://www.business-humanrights.org
- For high-risk areas: https://freedomhouse.org/report-types/freedom-world
- For violations of academic freedoms: https://www.scholarsatrisk.org.
- Human Rights Index: https://uhri.ohchr.org/en
- Our World in Data: https://ourworldindata.org/
- Academic Freedom Index: https://academic-freedom-index.net/
- Official reports by the Dutch government: www.rijksoverheid.nl
- Knowledge Security Desk: https://www.loketkennisveiligheid.nl/
- Global Conflict Tracker: https://www.cfr.org/global-conflict-tracker/
- OHCHR UN Human Rights Office: https://www.ohchr.org/en/ohchr_homepage
- www.Travelbans.org / www.nederlandwereldwijd.nl

These sources are supplemented by sources specific to a particular partner, including websites, newspaper information, social media of and/or about the institution concerned and the context in which it operates.