

Student Academic Freedom in Southern African Universities: Students Regional Perspectives on Academic Freedom

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Abstract: Students' academic freedom is a human right, which is mostly violated by universities and academics, as they only recognise the right to teach, learn, and conduct research. Students' academic freedom entails the process of learning by offering the students an opportunity to engage in critical thinking and independent thought without intimidation, influencing the curriculum and shaping their own learning experience, and affording them the opportunity to lead themselves into their own learning experience. Students are legitimate rights holders of academic freedom, and it is the duty of the state, university, and academics to serve the academic and non-academic needs of students. The Dar es Salaam Declaration and general theory unambiguously state that students are legitimate rights holders of academic freedom. It is unfortunate that students' academic freedom is being infringed upon by universities and academics through oppressive Eurocentric content, lecturers' absenteeism, academic and financial exclusion policies, inadequate study facilities, office politics, domesticating students' voices, research restrictions, structured academic programmes, redirecting students into programmes, and sexual harassment. The universities failure to address these fundamental issues demonstrates a lack of commitment to fostering an environment conducive to academic freedom, and such inaction perpetuates a culture of struggle and hardship, undermining the very essence of students' academic freedom.

Keywords: Academic freedom; Dar es Salaam Declaration; Students' rights; Universities

Introduction

Academia is a space tailor-made to create a conducive environment where transformative pedagogies empower students to question traditional norms, challenge systemic barriers, and create a more inclusive and supportive academic environment through critical engagement. The sole purpose for the establishment of universities was to assist students in identifying their strengths by exploring their talents and developing their skills during their course of study, but instead, the universities, through neo-liberal policies, have created an education system that produces graduates who conform to and follow the old routine like sheep's, leaving them confused after they have graduated.

The latter is a total violation of students' rights in relation to the practice of academic freedom. Students' academic freedom is not merely about course content; it also entails the process of learning by offering the students an opportunity to engage in critical thinking and independent thought without intimidation, influencing the curriculum and shaping their own learning experience, and affording them the opportunity to lead themselves into their own learning experience instead of limiting and controlling their learning experience. Students should be considered active partners in pedagogy instead of clients of the universities. Universities are supposed to endorse the notion of students exploring and challenging existing theories as a fundamental principle of academic freedom and should also understand that students value the freedom to learn.

This article presents the students regional perspectives on academic freedom in Southern African universities. The Southern African region has many universities, but this article will focus on two of them: one rural university in South Africa and the University of Malawi in Malawi.

Students' as Legitimate Rights Holders of Academic Freedom

Over the years, academic freedom has often been defined with the focus and attention on the academic, and students have been long overlooked in many definitions [1-2]. This is evident in the definitions from different scholars. Nixon [3] describes the traditional notion of academic freedom as the freedom of academics to speak their mind, to teach according to their own interests, and to enjoy the security of tenure. While Chemerinsky [4] believes that academic freedom refers to the freedom of academics to choose the content of their teaching, writings, or political activities, In a similar vein, Neave & Vught [5] conceptualised academic freedom as the liberty to pursue intellectual inquiry and disseminate knowledge in teaching and research, without fear of professional repercussions or censorship, regardless of potential offence to prevailing political, religious, or social orthodoxy.

The marginal treatment given to the presence or relevance of students' academic freedom suffers an even greater setback where some scholars go to the extent of refusing any form of recognition for it [1]. Scholars such as Byrne [6] argue that academic freedom should be conceptualised as a set of rights that are indispensable to the preservation of the university's core functions, namely the advancement of knowledge through objective research and teaching, unencumbered by external influences.

Academic freedom is not only about the freedom of academics but also about students, as they are scholars too. They are members of a community of scholars. This is an integral part of the university tradition, where scholarship is defined in terms of the pursuit of knowledge and understanding as a common goal, necessarily involving both students and academics [7-8]. The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education fairly grants students pride of place in its definition of academic freedom by using 'academic community' to 'cover all those persons teaching, studying, researching, and working at an institution of higher education [9].

Appiagyei-Atua [1] stresses that the state is responsible for three entities in the academic freedom matrix: the university, academics, and students, in that order. In contrast to the state, the academic community holds the rights. However, in the academic freedom matrix, rights holders have an obligation to the other entities in the matrix. The university has a responsibility to respect and protect the rights of academics and students. Similarly, academics have obligations to students. In a cascading pattern, the state bears most of the responsibilities, while students enjoy the most rights in their relationship with other entities, including the state.

The most appropriate definition for academic freedom, which does not marginalise students but instead recognises students as legitimate rights holders of academic freedom, is by Appiagyei-Atua, Bieter & Karran [10], where they assert academic freedom as a privilege designated for higher education institutions, scholars, and students, facilitating access and opportunities for scientific inquiry and the dissemination of findings through teaching, publication, and application to enhance human welfare, all while adhering to public order, professional ethics, and social responsibility, free from governmental or other authorities.

Zain-Al-Dien [7] took the initiative to validate why students are recognised as legitimate rights holders of academic freedom by developing dimensions of student academic freedom that draw upon various documents. These dimensions include four basic elements that must be considered. First, students are entitled to full freedom in expressing their opinions and ideas [11-12-13]. The second element is the freedom of students in selecting a study field and the content of subjects [14-15-16]. The third element is the right of students to participate in decision-making [17-2-18-19]. The last element is that students are entitled to full freedom in research and in the publication of the results [20-21-22].

Developing Student Academic Freedom in Terms of Rights

Developing student academic freedom in terms of rights is important since it implies a proactive stance. This can be done by seeking to develop the independence of students as thinkers and learners to their fullest extent. Assuming they support academic freedom, this means that universities and their academics have an obligation to promote student capability. This, ultimately, is the most effective means of ensuring student academic freedom is protected. Student capability depends on education, and this presupposes the right to gain access to a university education. This implies campaigning for access to higher education as an affordable right for all, regardless of formal and informal historical restrictions such as religion, nationality, race, sex, and social class [7]. Article 26 of the 1948 Universal Declaration of Human Rights states that everyone has the right to an education and that higher education should be accessible based on merit [23].

Zain-Al-Dien [7] proclaims that student academic freedom depends on a university curriculum that enhances the capability of students to develop as independent and critical thinkers. It has long been argued that students have a right to a general or liberal education in the form of a university curriculum that is sufficiently broad to enable someone to

become an independent and critical thinker as well as, perhaps, play an informed role as a citizen. The case for the contemporary relevance of a liberal curriculum has been recently made. MacIntyre [24] argues that education needs to be seen as something that has its own ends that are distinctive from, and not simply a prologue for, graduate or professional education.

The significance of liberal education lies in its capacity to cultivate critical thinking and intellectual inquiry skills in students, thereby empowering them to formulate informed perspectives on contemporary societal issues. This underscores the notion that liberal education constitutes a fundamental right, integral to the realisation of student academic freedom. However, the prevailing trends in higher education curricula appear to be constraining the scope for students to acquire a comprehensive understanding of knowledge, which is essential for informed citizenship and the optimal exercise of their rights [7].

The Dar es Salaam Declaration on Students' Academic Freedom

The inaugural effort by African scholars to establish a policy framework for the promotion and protection of academic freedom culminated in the 1990 Dar es Salaam Declaration. Adopted in April 1990 by delegates from six academic staff associations of Tanzanian universities, this landmark document introduced progressive provisions safeguarding not only the academic freedom of universities and academics but also for students. Notably, the Declaration employed the term 'academic community' as conceptualised in the Lima Declaration to encompass the tripartite stakeholders crucial to the academic freedom discourse [1-9].

Thus, there are numerous instances where, in respect of students and their rights to academic freedom, the Dar es Salaam Declaration [25] asserts that members of the academic community possess the right to perform their core functions, encompassing teaching, research, scholarly writing, learning, knowledge dissemination, and service, without facing undue interference, censorship, or retribution from state or other public authorities, thereby ensuring the integrity and autonomy of academic pursuits. This assertion implies that under no circumstances should students be denied the opportunity to go to class or sit in for an examination. Universities should not use their financial and academic exclusion policies to prevent students from pursuing their academic pursuits.

Furthermore, the policy document declares that the academic community's fundamental rights, as enshrined in the United Nations Universal Declaration of Human Rights, shall be upheld, encompassing civil, political, social, economic, and cultural rights. Specifically, academic freedom shall be respected, including the rights to freedom of thought, inquiry, conscience, expression, assembly, and association, as well as the right to personal liberty, security, and bodily integrity [25]. The university and academics, as duty-bearers in their relationship to students, should act as advocates for students' freedom of expression by allowing students to challenge decisions that they believe are inconsiderate to them without trying to domesticate the student voice for the benefit of the reputational status of the university. The government and university management should ensure that the university has adequate study facilities and resources that will enable students' ability to express their ideas, engage in academic discussions, and participate in intellectual debates.

The Dar es Salaam Declaration [25] stresses that all members of the academic community with research responsibilities are entitled to conduct research without undue interference, provided they adhere to the fundamental principles and methodologies of scientific inquiry. Specifically, researchers should have unimpeded access to information and resources necessary for their research and should not face unjustified obstacles or restrictions that could hinder the pursuit of knowledge. Universities should not impose restrictions on research by confining students to research projects strictly within their designated programmes. Students should be given the freedom to pursue a research topic of their choice without restriction or interference from the project supervisor or the university through its policies.

The Dar es Salaam Declaration [25] emphasises that all students should be offered the opportunity to enjoy the freedom of study, including the right to hand-pick the academic programme of their choice from those offered by the higher education institutions and the right to receive official recognition of the knowledge and experience acquired. Higher education institutions should aim to satisfy students' professional and educational needs and aspirations. This declaration asserts that students have the right to study an academic programme of their choice, and the university has no right to redirect students into other academic programmes without their consent, since such practices infringe on students' academic freedom and their personal development. The university cannot place students in academic programmes that they did not apply for, meaning they cannot use the placement policy on students, which they normally use on their employees, as this will result in a violation of students' academic freedom. The university and academics, as duty bearers of academic freedom in their relationship to students, need to understand that their primary

duty is to serve the needs of students and to ensure that students are taught effectively according to accepted professional principles and norms. There is also a need to ensure that students have unlimited access to guidance in their studies.

Moreover, the higher learning institutions must ensure that students, as the legitimate rights holders of academic freedom, participate in their governing structures. Students' rights (individually or collectively) to voice and publicise their opinions on any national or international question shall be respected [25]. All the students are afforded the opportunity to vote for the student leaders of their choice to lead the Student Representative Council (SRC). Each student in all institutions of higher education has the right to participate in different university governing bodies that, by law, accommodate students, such as the SRC, the student's faculty council, students' departmental societies, students' political societies, religious societies, sports societies, and creative arts societies that are recognised by the university. The SRC is entitled to sit on the university council, which takes critical decisions at the university. Students should also be afforded seats in other various governing bodies, such as the teaching and learning committee, the research and innovation committee, the library committee, and the community engagement committee, through the SRC. Incorporating students into these governing structures will ensure that students are able to influence the curriculum and shape their own learning experience. Such initiatives will further afford students the opportunity to lead themselves into their own learning experience instead of limiting and controlling it.

In addition, students have the constitutional right to challenge any content presented to them if they believe they can prove it lacks articulable facts and is unreliable without fear of intimidation, retaliation, victimisation, or any other form of direct or indirect prejudice [25]. The principles of academic freedom empower students to question the relevance of the taught content to their livelihoods and lived experiences. It is the duty of the university and academics to ensure that these students who are brave enough to challenge the taught content are protected from grade-based punishment or retaliation. These duty-bearers should create a supportive environment with the necessary resources that will enable students to question, challenge, and explore ideas freely without fear of reprisal or victimisation.

The General Theory of Academic Freedom

The fundamental precept of the general theory is that academics and students enjoy the same rights of free expression, freedom of research, freedom of association, and freedom of publication as citizens in a free society [26]. This theory emphasises that academics and students have the same rights because they are citizens of a free society. It provides them with the freedom to form organisations, publish their results, and engage in free discussion as citizens of a free society. It assumes that "academic freedom is a branch of civil liberty" [27].

The general theory of academic freedom insists that both academics and students have their rights as citizens and that any attempt to interfere with those rights through university means must be justifiable in terms of the purposes of the university [26]. The general theory of academic freedom derives from a theory of society. It assumes that intellectual freedoms are desirable for society and sets up academic criteria by which these freedoms may be both realised and regulated on the university campus [26]. This view is linked to the idea presented by Olsen [28], which notes that the organisation and governance of the university reflect its institutional identity and its special role and responsibilities in society. The major issue is how the university can be organised and governed in order to achieve its objectives in the most efficient way.

Searle [26] explains that the general theory has two aspects: First, the university is an institutional embodiment of the general social values of free inquiry and free expression, together with a theory of specialised scholarly competence. Second, the university is an institutional embodiment of free inquiry and scholarship; it is something quite different from such public areas as parks and streets. It therefore requires regulations on the mode of exercise of the general freedoms of a libertarian society in order to protect its special functions. The general theory of academic freedom implies that academic freedom is an extension of a free society.

Students' Perspective on Academic Freedom at the Rural University in South Africa

This rural university is located on the rural margins of South Africa; it holds a peripheral status in academics. Knowledge produced by the students of this institution is being illegitimated by the academic community, not because it is poorly written, or adds no value to the body of knowledge, or lacks substance, but it is being illegitimated on the basis of the university's status in the academic community. This institution is a comprehensive university that caters to previously disadvantaged students. Comprehensive universities are overwhelmed with major infrastructural shortfalls ranging from a lack of conducive student accommodation to a lack of access to internet connectivity, and updated library services, among other basic services [29]. Such infrastructural shortfalls at this institution possess a serious threat to students' freedom to acquire quality education.

Students' academic freedom is a human right, which is mostly violated by universities, as they only recognise the right to teach, learn, and conduct research. At this institution, students' academic freedom is being partially practiced; it is well documented in the university policy document, but when it comes to implementation, it lacks practicality. The academic space is not conducive for students to challenge the relevance of the taught content to their livelihoods and lived experiences. The Dar es Salaam Declaration [25] stipulates that students have the constitutional right to challenge any content presented to them if they believe they can prove it lacks articulable facts and is unreliable without fear of intimidation, retaliation, victimisation, or any other form of direct or indirect prejudice. The consistent use of Eurocentric content, which does not address the socio-economic and socio-political issues faced by students from previously disadvantaged families in rural areas, is a violation of students' academic freedom. Eurocentric content fails to equip students with knowledge and skills that can capacitate them to solve their socio-economic and socio-political issues. Through such practices, students' academic freedom is being steadily revoked.

Students' academic freedom is the lifeblood of higher education institutions. Every university vice chancellor needs to be a champion of it to ensure that they eradicate issues like academic and financial exclusion, which undermine students' academic freedom. The Dar es Salaam Declaration [25] stipulates that all the stakeholders of the academic community, which comprises universities, academics and students, have a constitutional right to fulfil their social responsibilities of teaching, researching, writing, learning, sharing and publicising information, and providing services without unwarranted influence or subjugation from the government, society and international community. The policies on academic and financial exclusion are a threat to students' academic freedom and their right to learn. One may perceive the policy of financial exclusion as a new form of apartheid, disguised as financial exclusion, through the exorbitant tuition fees. It is no secret that it is mostly black students that are affected by the financial exclusion policy, just as the apartheid system was designed to oppress black people. During the apartheid era, oppression was directed at people of a certain skin colour. People were treated according to their skin colour, and poverty in South Africa has colour; it is black. Nowadays, apartheid policies are perpetuated in higher education institutions through financial exclusion, targeting the children of the black working class.

Furthermore, informing students about the enforcement of the admission to examination policy during the 2023 student engagement undermines students' academic freedom by denying them access to examinations for modules that they have paid for in full. The admission to examination policy states that for students "to be admitted to an examination in a module, a student must: (1) have completed the minimum amount of work prescribed; (2) have obtained a full period mark of at least 40%" [30]. This policy perpetuates academic exclusion by denying students the right to sit in for semester examinations. This policy works against the students, since some lecturers have displayed a general lack of professional ethics through creating a toxic academic environment by not honouring their duty (lectures), and students are expected to perform beyond the call of duty. Students file endless complaints about the unethical practices of these lecturers, but the university fails to hold these lecturers accountable. It is quite clear that the lack of ethics amongst lecturers creates an undemocratic culture which then produces a toxic learning environment, and such unethical practices practically disable the students from acquiring democratic habits.

Moreover, these lecturers infringe students' academic freedom by violating the university policy on the provision of study material to students. This policy (1) clearly stipulates that "at the start of a module, the lecturer must supply to each student in a particular course: (a) a module outline; (b) a study timetable; (c) the scope of material to be covered; (d) a list of prescribed works or study guides; (e) sample questions; (f) an explanation of the modes of assessment; and (g) weights and assessment criteria for each module [30]. These lecturers do not upload study material in time on the Learning Management System, and their conduct makes the learning process difficult for students. The university should not enforce the admission to examination policy while lecturers are violating the provision of study material policy; the university should get its house in order before enforcing the admission to examination policy. The university's failure to enforce the provision of study material policy is a serious threat to students' academic progress. The principles of students' academic freedom require higher education institutions to protect students from incompetent academics. One of the many ways to protect students' academic freedom is through having a library that has updated learning services and is conducive to learning.

The university library operates 24 hours a day, which works in favour of the students, but it has its own limitations. After 23:00 South African local time, only one section of the library remains operational, and the available space is limited; it does not accommodate more than 200 students, which restricts students' ability to engage in academic pursuits. The library spaces are limited and cannot accommodate all the students; the available seminar rooms created to accommodate students for group discussions are inadequate.

It is superior logic that teaching and learning cannot be separated with proper accommodation. Unfunded students are prohibited by the university policy from residing on campus or in off-campus university-approved accommodation, which includes transportation. This policy compromises the safety and security of these students and threatens their academic freedom. Students cannot be denied proper accommodation and are expected to perform well in their studies. Students that reside off campus have limited time to study at the library due to the lack of security measures. They cannot afford to study until late at the university library. The crime rate off campus is extremely high; students get mugged at night coming from the library. It is a pity for them that they are assessed using the same methods as their privileged peers, who are funded, while they are in a disadvantaged position. It should be noted that, if those students who reside on campus, have their own challenges.

Most of the university study facilities do not have a power backup system to kick in during a power cut; this disrupts the teaching and learning on campus. Students' residences on campus have no backup system, meaning those students who are comfortable studying in their rooms cannot study when there is load shedding at night. The same applies with the WI-FI; there is no backup system, yet the students are paying for these services, which are a necessity for them to succeed academically. The lack of access to basic necessities and inadequate study facilities creates a hostile and unforgiving environment that hinders students' academic freedom. The above-mentioned students' hardships and the university's failure to create a conducive environment for the practice of students' academic freedom make it impossible for students to perform to their best ability and to freely engage in academic pursuits. The G8 policy should be scrapped from the policy document up until the university finds solutions to its shortcomings, since such incompetence is the biggest threat to students' academic freedom.

Academics need to understand that students' academic freedom is the bedrock of the university. Students' academic freedom has fallen dramatically due to the unprofessional conduct of academics at the university, especially through office politics and the incompetence of some academics that tend to supervise postgraduate's research. Academic space should not be used as a political battleground by academics; such practice tends to put postgraduate students in a disadvantageous position. When academics battle in the academic corridors, fighting their own personal and academic battles and sometimes political battles, it is the students that tend to receive the end of the stick; their academic progress is disrupted. In most cases, postgraduate students are used as pawns on the academic chess board. Squabbles amongst academics hinder the student's progress in various ways; postgraduates' students are denied the opportunity to complete their studies in record time, and this has financial ramifications for students, especially those that are self-funded. This reveals that academics do not understand the meaning of student's academic freedom or do not see its importance in higher education institutions.

Some academics are not active in their student's research projects, which makes their involvement in the project pointless as it is of no use to the student. Some have poor administrative skills, and some do not read the proposals and manuscripts of their students. When reviewers or examiners with good intentions identify critical blunders that sometimes require the student to rewrite the whole proposal or manuscript, supervisors take this personal and plot to revenge these innocent acts by harshly reviewing the other supervisor's student's proposal or manuscript. Blind reviews of students are not really blind reviews to academics. This simply implies that over the years, postgraduate's students have been used and are still being used as pawns in the academic chess board, where proposals and manuscripts are used to settle scores amongst academics. Such practices form part of the violation of students' academic freedom as stipulated in the Dar es Salaam Declaration [25]: All members of the academic community with research functions have the right to carry out research work without interference, subject to the universal principles and methods of scientific inquiry. In particular, researchers shall not be denied information or permission to do, or hindered in any way from doing, research.

The university should consider implementing policies that penalise supervisors or committee members for sabotaging students for their selfish reasons. The amount of tension that exists amongst research committee members tends to be problematic for students' progress and freedom to pursue knowledge uninterrupted. As academics, they should know better and fully understand that when two elephants fight, it is the grass (students) that suffers the most. The terrain of knowledge is not a site of struggle; it is an environment where transformative pedagogies are used to empower students and offer them the tools that will enable them to question traditional norms and challenge systemic barriers.

The Dar es Salaam Declaration [25] stipulates that all institutions of higher education shall guarantee the participation of students in their governing bodies. They shall respect the right of students, individually or collectively, to express and disseminate opinions on any national or international question. Like every institution of higher learning in South Africa, this institution, in its constitution, has a provision for the establishment of the SRC structure and holds elections

annually. The primary aim of the SRC is to champion students' rights and interests by representing them on academic and non-academic issues.

It is a pity that SRC elections have turned into a popularity contest; it is no longer about students' capabilities or attributes to fight for their rights. In the modern day, the SRC members are serving their own interests. The SRC structure has proven over the past years that it lacks the capabilities to champion students' rights and interests. They have become a serious threat to students' academic freedom by failing to uphold their duties of serving the needs of the students. Appiagyei-Atua [1] proclaims that some student representative councils are co-opted or have weak bargaining powers to advocate students' rights and to seek representation for abused students. The SRC members, after being elected to office, tend to sell their souls to the university at the expense of the students who voted them into office. Such acts restrain them from fulfilling their initial mandate given by students.

Students' Perspective on Academic Freedom at the University of Malawi, Malawi

The University of Malawi (UNIMA) has prioritised the students right to freedom of expression as stipulated in the Dar es Salaam Declaration, which states that all members of the academic community shall enjoy freedom of thought, inquiry, conscience, expression, assembly, and association, as well as the right to liberty, security, and integrity of the person [25]. This is evident through student demonstrations that advocate for freedom of expression and challenge decisions made by the university management. These demonstrations serve as a platform for students to voice their concerns and hold the university accountable for its actions. By engaging in peaceful protests, students can highlight issues affecting academic freedom and demand transparency and accountability from the university management. This form of activism empowers students to actively participate in shaping their educational environment and upholding their rights. However, to effectively advocate for students' academic freedom, it is essential that these demonstrations take place peacefully and within legal boundaries. Over the years, students have demonstrated a lack of understanding of the meaning and purpose of a demonstration; hence, most students' demonstrations usually result in vandalism of university properties. The students' lack of understanding of the meaning of demonstrations was evident during the 2022 academic year, when the university published an academic calendar that was deemed inconsiderate by the students. It consisted of 5 months dedicated to academic work and 5 months of holidays. The academic calendar only accommodated one semester, which meant a four-year qualification would be completed after eight years instead of four years. This angered the students; hence, vigils followed. The university management tried to engage with students to stop vigils, but it did not work until they forcefully closed the university in fear of vandalising properties.

Kilase [32] asserts that academic freedom is the liberty and obligation to study, investigate, present, and interpret findings, and to discuss facts and ideas concerning people, society, and the physical and biological world in all branches and fields of learning. At UNIMA, students' rights are being infringed upon by several practices that limit their academic freedom and personal development. One major issue is the redirection of students into programmes they did not choose, which undermines their ability to pursue their genuine interests and career aspirations. The redirection of students into other academic programmes is a violation of students' academic freedom, as stated in the Dar es Salaam Declaration, which states that all students shall enjoy freedom of study, including the right to choose the field of study from available courses and the right to receive official recognition of the knowledge and experience acquired [25]. The culture of forced placement normally leads to dissatisfaction and reduced academic engagement, as students are compelled to study academic programmes that do not align with their passions or goals. Additionally, UNIMA imposes restrictions on research, confining students to projects strictly within their designated programs. For instance, a Media for Development student is not allowed to conduct research or submit coursework on topics related to the sciences, even if they have a keen interest in exploring interdisciplinary connections. Such limitations not only stifle intellectual curiosity but also hinder the development of well-rounded graduates capable of innovative, cross-disciplinary thinking. By imposing these arbitrary constraints, universities violate the principles of academic freedom, preventing students from fully exploring and developing their academic and professional potential [33]. These practices underscore the need for more flexible and student-centred policies that promote academic choice and interdisciplinary research opportunities, ensuring a more conducive environment for academic freedom and personal growth.

Furthermore, academic programmes at UNIMA are structured in such a way that students are required to strictly follow a predefined curriculum, leaving little room for exploration beyond their assigned courses. This rigid approach to education, often referred to as "banking education," treats students as passive recipients of knowledge rather than active participants in their own learning. In the banking concept of education, knowledge is a gift bestowed by those who consider themselves knowledgeable upon those whom they consider to know nothing. The more students work at storing the deposits entrusted to them, the less they develop the critical consciousness that would result from their

intervention in the world as transformers of that world [34]. Under this model, students are expected to absorb and regurgitate information rather than engage critically and creatively with the material. This system infringes on academic freedom by limiting students' ability to pursue their intellectual interests and develop a broader, interdisciplinary perspective. By confining students to a narrow set of courses and discouraging independent thought and inquiry, the banking model stifles creativity and critical thinking, essential components of a vibrant academic environment. For instance, a student in an engineering programme may have no opportunity to explore courses in the humanities or social sciences, which could enrich their education and provide valuable insights. To foster true academic freedom, UNIMA needs to adopt more flexible curricula that encourage interdisciplinary learning and empower students to take an active role in shaping their educational journeys.

At UNIMA, the enforcement of English as the sole language of instruction and academic work infringes upon students' rights to fully engage with their education in a meaningful way. This policy mandates that all academic activities, including lectures, assignments, presentations, and examinations, be conducted exclusively in English. In addition, most textbooks and academic resources are available only in English, which can be a barrier for students who are more proficient in their native languages. This restriction limits students' ability to fully comprehend and express complex ideas, hindering their academic performance and intellectual development. By not allowing the use of native languages, universities stifle academic freedom and fail to create an inclusive and supportive learning environment [35]. This policy also prevents students from exploring and contributing to knowledge in their native languages, which could enhance cultural relevance and understanding in their academic work.

UNIMA has a strong policy against sexual harassment. Its policy document clearly states that repeated unwanted sexual advances, requests for sexual favours, and other verbal, non-verbal, or physical conduct of a sexual nature towards any individual will not be tolerated [36]. Harassment can happen in different forms at a university, just like in any other institution. From a legal perspective, there are two forms of sexual harassment: quid pro quo harassment (sexual threats or bribery for better mark allocation) and hostile environment harassment [37]. Quid pro quo harassment is common among UNIMA students, where lecturers threaten to fail students if they do not engage in sexual intercourse with them. Such threats possess the ability to reduce students' freedom of learning due to the lack of concentration of lecturers while being lectured by their perpetrator. The UNIMA sexual harassment policy aims to provide a free and safe learning environment for students and staff. The policy defines what constitutes sexual harassment and outlines procedures for reporting and handling complaints. However, challenges remain, such as the lack of a clear legal definition of sexual harassment, inadequate training, and a culture of silence that prevents many victims from coming forward.

Conclusion

Students are legitimate rights holders of academic freedom, and it is the duty of the state, university, and academics to serve the academic and non-academic needs of students. The general theory unambiguously states that students are legitimate rights holders of academic freedom, since academics and students have the same rights of free expression, freedom of inquiry, freedom of association, and freedom of publication in their roles as academics and students that they have as citizens in a free society.

The Southern African universities analysed in this article have demonstrated that students' academic freedom is a human right that is mostly violated by the universities and academics as duty bearers in their relationship to students who serve as rights holders of academic freedom. The Dar es Salaam Declaration is a progressive policy document that explicitly recognises students as active partners in the academic community and promotes and protects students' academic freedom. This policy document highlights which students' rights are recognised and which are infringed upon by the academics and universities in question.

Students' academic freedom is significantly undermined by the governance structure of these universities, through its failures to create a vibrant and inclusive academic environment where students' voices are valued, respected, and integral to the pursuit of knowledge and truth. It is clear that students' academic freedom lacks practicality in these universities due to management's failure to engage students on multiple issues that affect them. It is essential for these universities to address these infringements and prioritise students' rights to create a supportive and inclusive environment for academic success and personal growth. The time has come for these universities to prioritise students' needs by addressing all pressing issues and creating an environment that truly supports academic freedom and student success.

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