

CAFAS Update No. 80

18 September 2014

Council for Academic Freedom & Academic Standards

Temporary website: www.cafas.net

Next Meeting:

Saturday 4 October 2014

2.00 pm

Room 252

Birkbeck College

Malet Street

London WC1

Underground: Goodge Street, Euston Square, Euston, Russell Square, Holborn

University of Ulster Victims Association Letter to CAFAS, 09/09/14

Dear CAFAS,

We would like to draw your attention to continuing and unresolved problems at the University of Ulster (UU) in Northern Ireland and to the foundation of our group "The University of Ulster Victims Association".

UU has fallen from an average 59 to position 93 (out of 116) over the last 6 years. This rather shocking decline demonstrates the failure of the management to maintain academic standards. A once well-regarded university that was performing on a respectable level for its age and location has, sadly, deteriorated.

Unfortunately, this free-fall in the league tables is

only an indicator of deeper- rooted problems. There is a continuing culture of bullying at UU. For example, in 2005, the then Vice Chancellor, Gerry McKenna, was forced to resign in disgrace following Sir Michael Buckley's report finding a case to answer regarding his "bullying, intimidation, victimisation and harassment" staff (UU's own press office gives the details, including the fact that they tried and failed to gag the report. see

http://ulster.ac.uk/news/uu/news.phtml?req_date=2005-07-01&news_type=2&news_id=44087). A review

in November 2008 showed that bullying and harassment was rife at UU, and since then, matters have become worse. (See

<http://www.belfasttelegraph.co.uk/news/local-national/ni-universities-bullying-shame-28452903.html>).

Interestingly, the Vice Chancellor, Prof. Richard Barnett, recently announced his resignation. As his original plans were to stay on until 2016 and as there was no explanation for this sudden move, one can only speculate that he had to resign under pressure (see <http://www.belfasttelegraph.co.uk/news/education/barnett-to-quit-the-top-job-at-university-of-ulster-30299293.html>).

We, a group of former UU staff and students and CAFAS members, are writing to you to highlight the unacceptable way that the management has treated us and others. We have been bullied, harassed and attacked and sidelined for no reasons other than daring to disagree with the management or simply for UU to save UU money. To highlight this situation and to obtain justice, we have joined forces and founded an association to inform and warn the public of the managerial practices at UU. Details of some of our experiences can be found on our Facebook page "The University of Ulster Victims Association".

Currently, there are several court cases and submissions to the police under way to investigate potentially illegal activity such as harassment, violation of UK law, violation of the Data Protection Act, perjury and other serious breaches of the rights of staff members. We have also contacted the Northern Ireland Minister of the Department of Employment, Dr. Stephen Farry, about these issues. Disappointingly, he has refused to take responsibility and replied that he had "no remit to intervene or comment" on the unlawful and potentially illegal behaviour of UU's management.

Numerous careers have been affected by the actions of the UU management and the treatment of staff members who had unwittingly moved to work at UU and had not been warned about these managerial practices. Publicising the situation at UU will, hopefully, force the politicians in Northern Ireland to act and to take responsibility for this unacceptable situation.

It is high time to act and to deal with the murky past of the university. UU was once a dynamic and inspiring new university, and the staff and students deserve a brighter future. This can only be achieved if the past has been acknowledged and vital lessons have been learned to avoid such mismanagement in the future.

Signed,

Prof. Christian Holscher (christian_holscher@mac.com)
Dr. Shyam Chakraborty (shyamchak@yahoo.co.uk)
Prof. Terry Duffy (terenceduffy@hotmail.com)
Dr. Michael Kirk-Smith (mkirksmith@gmail.com)
Mr. Tony Johnston (info@inchhouse.com)
Mr. Peter North (north273@yahoo.com)

Below are examples of case studies from the UU Victims Association. You can see more at <https://www.facebook.com/pages/University-of-Ulster-Victims-Association/1614149405477420>

Case study 2:

Prof. Christian Holscher, Lancaster University, Biomedical and Life Sciences, Lancaster LA1 4YQ, UK. Email: c.holscher@lancaster.ac.uk (Formerly Biomedical Sciences, University of Ulster, Coleraine campus)

I worked at Ulster University from 2004 to Sept 2013. I was promoted to Professor of Neuroscience in Oct 2011. My research involves the development of novel drug treatments for Alzheimer's research, and I received more than £2 million pounds in funding for this work while I worked at UU.

In 2011, I received a European research grant and collaborated with Prof. Vyvyan Howard. During the start-up of this grant, I noticed several irregularities by Howard concerning ethics and scientific integrity. I complained to the head of the research institute, Prof Bjourson and to the Dean, Prof McKenna. Nothing was done to rectify the situation. I then became aware that Prof Howard was one of the main culprits in the Alder Hey children's Hospital scandal. Prof Howard was involved in taking body parts of children and unborn babies and conducted 'research' on these. No ethical approval was sought for this. He published a series of scientific publications that were later to be found completely fraudulent. A detailed government report of this scandal is available on the internet.

<http://webarchive.nationalarchives.gov.uk/20060715141954/http://rlcinquiry.org.uk/download/index.htm>

Howard was also found guilty by the GMC, yet no action was taken to discipline him.
<http://www.thefreelibrary.com/The+nine+Doctors+who+face+no+action.-a079226283>

I brought this to the attention of the Dean, the PVC of Research, and the VC. Nothing was done to deal with this situation. I was told to keep this quiet and threatened by the Dean Hugh McKenna on several occasions.

I then found out that Howard had added animal experiments to the research grant project without my knowledge. As they require a Home Office licence for ethical approval, conducting these experiments would have broken the law. I brought this to the attention of all the senior officers at UU. Again, I was told to keep quiet about this and was threatened on several occasions.

I then withdrew from the research project. I also filed an official complaint against Howard for scientific misconduct. That investigation by UU was a white wash, and noting was concluded. From that point on, I was harassed and attacked, and a disciplinary hearing was brought against me for 'harassing Prof Howard' who was considered innocent despite a wealth of evidence to the contrary. For this disciplinary hearing, evidence had been invented by Mr Magee, head of HR at UU. He made a claim that I had entered an agreement at a meeting to keep these issues quiet, and that I had broken this agreement. I never made such an agreement, and even the chair of that meeting, Prof. Alistair Adair, could not recall any such agreement in his tribunal witness statement. Yet, I was found guilty of harassing Howard and 'bringing his reputation into disrepute', despite the clear evidence of him violating UK law on animal experiments and having been involved in the Alder Hey scandal. Two further disciplinary hearings were brought against me with completely invented charges. At one I was demoted to senior lecturer. The second one was still under way when I resigned and took up a professorship at Lancaster University.

The potential breach of UK law and the perjury committed by Mr. R Magee at the industrial tribunal hearing is currently being investigated by the PSNI.

I brought the university to an employment tribunal hearing under the whistle blower Act. The evidence presented at that court case was very clear, as Prof Alistair Adair admitted in his witness statement that a key agreement I supposedly had broken was an invention by Mr. Magee. Furthermore, UU failed to adhere to the data protection act, and most documents relating to the disciplinary actions taken against me had been deleted by Mr. Magee. However, the tribunal completely ignored the evidence and simply copied the arguments of UU's barrister in their decision.

I complained to the Information Commissioner's Office (ICO) about the blatant breach of the Data Protection Act by UU. The Officer agreed in writing that UU had indeed breached the Data Protection Act. The advice was to take UU to court over this breach, and this is in progress at the moment.

Christian Hölscher

[ARCHIVED CONTENT] The Royal Liverpool Children's Inquiry: Download report as PDF
webarchive.nationalarchives.gov.uk

Case study 3:

Dr Michael Kirk-Smith (Reader in Health Sciences/Consumer Studies)

email: mkirksmith@gmail.com mobile: 078 6677 1508

1. Background

I was required by U.Ulster to teach marketing, but I was unqualified to teach it (I'm a scientist and psychologist). Due to this, the Quality Assurance Agency asked UU to move me. My teaching was moved to the School of Tourism and Leisure (ST&L); my research, my main role, was to be decided/guided by the Institute of Postgraduate Medicine and Health. However, my whole salary was paid by ST&L. The Head of School was unhappy with this, i.e., I was an expensive, unnecessary and unqualified person moved into her School.

2. What happened

2.1 In Oct 2002, UU HR stopped my salary on the basis that I hadn't attended a routine meeting.

However, I did attend the meeting and the UU minutes show this.

2.2 HR demanded that to get my salary back I had to a) do a nearly tripled teaching load, or b) resign and apply for ill-health retirement. I was fit and well and at work. I was threatened with disciplinary action if I did not teach this load (which was against UU's own medical advice).

2.3 My Counsel advised that I had little option, given UU's threats, other than:

a) give in to UU's demands and resign and apply for ill-health retirement, and then

b) apply immediately for a Visitor's hearing.

2.4 I pointed out that I'd lose my employment rights and that this would be fraudulent as I wasn't ill (the USS confirmed this). My Counsel replied that the Visitor would realise that I had been bullied into this and, from precedent, he could and would remedy it by reinstating my post and salary under the "natural justice" provision. I followed Counsel's advice and did a) and b).

2.5 The Visitor's report was "damning". However, at his hearing and regarding the remedy, the Visitor asked R.Magee, Head of UU HR, what he should do. We were astounded - he was taking instructions from UU! Magee replied "Nothing", so the Visitor did nothing (so much for Article 6, EHR Act...).

3. Conclusion

Through UU's actions, I have lost my livelihood and I am unable to access my USS pension as it would be fraudulent to do so. I have lost well over £1m gross in lost income and pension.

I now live on social security benefits. I have applied for jobs elsewhere to no avail as UU effectively

deskilled me by their demands that I teach and research marketing.

4. Remedy

I would like my job and salary reinstated. Otherwise, the ill-health pension converted into a previously offered early-retirement deal (cited by UCU) with missing contributions and AVCs added. I needed to work at UU until 65yo to get a reasonable USS pension.

I would like consideration given to compensation for the unnecessary loss of 15 years of my career and income, the consequent reduction in pension, and stress suffered (e.g., I had work-stress related illnesses while working at UU and a period of depression after my salary was stopped).

Michael Kirk-Smith

From the University & College Union (UCU) Archive

Tribunal slams university for 'arrogance and inadequacy' in landmark ruling

8 March 2007

A University of Ulster lecturer whose fixed term contract was not renewed was unfairly dismissed and discriminated against, a Northern Ireland industrial tribunal has ruled. He is to receive compensation in excess of £36,000 for losses incurred.

The landmark decision, in a case backed by UCU and Thompsons McClure Solicitors, clarifies the employment rights of fixed-term workers.

The damning judgement of the tribunal describes the reasons given by the Human Resources Director, Ronnie Magee, for not following a proper redundancy procedure as 'simply breathtaking in their arrogance and inadequacy'.

The university claimed that Dr Andy Biggart, a lecturer in Social Policy and Sociology, had been fairly dismissed by being made redundant when his fixed-term contract came to an end when the School he was in had been facing financial problems. Dr Biggart had been employed initially on a five year fixed-term contract that was twice extended to enable him to finish his funded research.

When the contract finally ended in February 2005 he was not offered alternative employment even though the university was recruiting new sociology staff, albeit within a different School at another of the university's campuses. When he was unsuccessful in a job application, no effort was made by the university to re-deploy him.

The tribunal ruled that the university did not have any procedure for properly consulting with trade unions on the impending expiry of fixed-term contracts and was wrong in its assertion that to re-deploy Dr Biggart would have been in breach of the Equality Commission's Code of Practice on Recruitment and Selection, which it claimed required it to advertise all permanent posts externally.

This, the tribunal said, took the commission's code 'to its extreme and in contradiction of the rights of existing employees not to be dismissed for redundancy where there is suitable alternative employment available'.

Sally Hunt, UCU joint general secretary, said: 'This ruling sends a clear message to universities that they cannot continue to treat academic staff on fixed-term contracts so shabbily. Casualisation in our universities is sometimes invisible to the public and to students but it is the unacceptable underbelly of higher education. This ruling, coupled with new fixed-term legislation, means universities who try to exploit their staff will not get away with it.'

Dr Biggart said: 'Although I feel the extent of discrimination that I experienced was simply appalling, what disappointed me most was, in spite of my own attempts to appeal this decision internally, the university refused to engage with me and to see this through due process. This left me little choice but to take my case to tribunal. I am also aware that the sort of treatment that I experienced was not an isolated case and I now hope, for the sake of my former colleagues, that the university will acknowledge the need to develop and apply a fair and transparent robust set of policies and procedures.'

John O'Neill, Dr Biggart's lawyer at Thompsons McClure Belfast, said: 'This ruling is critical because it sends the message to universities and other employers that they must generally treat fixed-term workers equally with permanent staff in any redundancy situation. The failure of the university to discuss and consult with Dr Biggart over his options when his contract came to an end, and also to allow him a proper right of appeal against his dismissal was a disgrace and an act of discrimination against him because of his fixed-term worker status'

Dan Ashley press@ucu.org.uk Tel: 020 7756 2600
Mobile: 07789518992 Fax: 020 7756 2501

Academic Freedom and the Union

The following remarks are closely based on two contributions to a debate on the Defending-Academic-Freedom List in which some other contributors stressed the failings of the UCU to the point of concluding that those who fight for academic freedom should regard the union as completely irrelevant.

I feel that I have something to contribute to this debate because I'm committed to the work that CAFAS does and also a (virtually) life-long member of two unions, and an honorary member of two others, and I've worked closely with the members of other unions, including steelworkers, miners, electricians, shop workers, public service workers, and sundry others.

My academic qualifications are largely limited to having been sacked twice by one university and suspended three times by another in the process of trying to sack me. On the occasion of my first sacking I was reinstated after a national campaign led by (along with others) the CAUT. I accepted the second sacking as a blessing. The third sacking was thwarted by the intervention of the South Wales NUM, with nineteen pits threatening to strike. The fourth sacking was thwarted by a campaign led by (along with others) AUT and NATFHE branches numbering some thirty or forty. The fifth sacking was thwarted by my age and the retirement it entailed; but it may be worth mentioning that I am still banned from the campus of the university which used to employ me. I do, then, have some experience of unions and of what is good about them, as well as what is bad. I have no reason to exaggerate their virtues. Unlike those who seem so ready to tell you that the UCU is simply 'useless', I've had the nice experience of the union trying to expel me recently for publishing a pamphlet criticising its inertia in an academic freedom case.

This, however, has not made me in the least inclined to join the ranks of those whose message is that the UCU is just an irrelevant and contemptible organisation.

The first thing I notice straight away about those who are content to bewail the failings of the UCU is that they take no account of the enormous differences between the national bureaucracy of a union, its local branches, and its rank-and-file membership. Since these differences are soon apparent to anyone who is active in a union, I put this down to ignorance.

A common feature of the various would-be sackings

I've experienced is that, when these were actively thwarted, this was due to campaigns in which union members and union branches played a crucial part. If it had not been for the moral and financial support of those members and branches, I would have been sacked more often than once; there's no doubt about it. And, to state the obvious, these members and branches are 'the union' just as much as, or more than, the unelected paid officials who constitute a caste with interests and priorities of its own.

What Mike Cohen and I discovered in the four-year battle with one university over academic freedom and academic values was that, when we visited AUT and NATFHE branches throughout England, Wales and Scotland, we could invariably count on the wholehearted support of the union members we met there. The same was true when we brought our case to the AUT, NATFHE and NUS national conferences.

When we were finally reinstated, and our Vice Chancellor obliged to resign, Baron Triesman claimed this outcome as 'an historic victory for the AUT', which was in a way true. But also true was that Triesman and his fellow-bureaucrats had themselves offered very little help, and a good deal of pretty systematic hindrance, while the fight was actually on. They were, we thought, like rats joining a re-floated ship.

So, the point I'm hoping readers will take to heart is that 'the union' won that particular battle, but almost entirely without help from 'the union'. And anyone who can't see the centrality of that distinction won't, I fear, have anything sensible to say about the role of trade unions in the fight for academic freedom.

Personally, I judge the merit of those who want to bash 'the union' on whether they are in there bashing, or standing on the sidelines preaching what is in effect the kind of despair and pessimism that brings us all down.

Colwyn Williamson

Defending-Academic-Freedom JISCMail List

Members are urged to join – go to www.cafas.net and open the link – to contribute to the discussions and to assist others.

Some suggestions

Surely some UK Universities have kept their heads up though this era of disintegrating principle and practice (of academic freedom and standards). CAFAS might distinguish these from the rest with star listing to stand in contrast to black and grey listing of failing institutions? And use its web facility for public posting.

Members! What criteria would you like to see used to define these categories?

- Perhaps 10 criteria which include several about the composition and adopted authority of University Councils in University affairs.

- More about how faculty are allowed and expected to be responsible for academic policy, planning, and good taste and style in the pursuit of knowledge and truth and its teaching?

- One or two about how integrity in the pursuit of truth is respected and rewarded?

Janet Collett

NOTICES

Agenda

1. Attendance & Apologies
2. Minutes & Matters arising
3. CAFAD Archive
4. Casework
5. AOB

Pre-meeting from 1.00pm. All welcome.

See website for future meeting dates and venue.

CONSTITUTION

CAFAS' aims are outlined on the membership form. The full constitution can be obtained from the Secretary or www.cafas.net.

CAFAS was founded in February 1994. It depends on subscriptions and an active membership. It meets in March/April, July and September/October.

Committee

Co-Chairs:

John Fernandes

76 Bois Hall Rd, Addlestone Surrey KT15 2JN
johnfernandes500@gmail.com

Professor Eric Barendt

74, Upper Park Road,
London NW3 2UX
020 7586 9930; e.barendt@ucl.ac.uk

Secretary:

Membership Secretary & Treasurer:

Kirit Patel

19 Greenhill Road, Harrow, Middlesex HA1 1LD
kiritone@live.co.uk, Tel: 02084115534

Casework Coordinator:

Colwyn Williamson

83 Fairwater Grove West, Llandaff, Cardiff CF5 2JN
029 20195020; m: 07970 838 276
cafascoordinator@gmail.com

Cafas Update Compilers:

Patrick Brady

3 Ingleby Way, Chislehurst BR7 6DD
0208 467 2549; patrick.brady28@googlemail.com

Geraldine Thorpe

7 Benn Street, London E9 5SU
0208 986 3004; thorpegm@googlemail.com

David Regan Appeal Coordinator:

Dr Janet Collett

Undercliffe House, Malling St, Lewes, East Sussex,
BN7 2RB; Tel: 01273 473 717
janet.collett@gmail.com

Students' Complaints:

Ben Cosin

3 Halliday Drive DEAL Kent CT14 7AX
01304 361074 Brcosin1928@yahoo.co.uk

John Fernandes

76 Bois Hall Rd, Addlestone Surrey KT15 2JN
johnfernandes500@gmail.com

Website

Ian Hewitt, Rashid Mehmood

Cafas Legal Advisors

Professor Eric Barendt

74, Upper Park Road,
London NW3 2UX
020 7586 9930; e.barendt@ucl.ac.uk

Dr Amir Majid

32 Forest Drive West, London E11 1LA
0208 556 1990, drmajid47@googlemail.com

Health & Safety

Ian Hewitt

Ian.Hewitt@phonecoop.coop

Founding Members

Michael Cohen

Colwyn Williamson

DO YOU BELIEVE

- That academic standards have been dumbed down throughout the higher and further education sector?
- That this decline has been accompanied by the escalating rhetoric of ‘excellence’ and ‘world-class’?
- That the number of contact hours between teachers and students, which the Dearing Report described as a proper measure of the quality of education, has been reduced across the board?
- That there are all sorts of pressures on examiners to pass candidates who would previously have failed?
- That it is far easier to obtain Firsts and Upper Seconds than it used to be?
- That practices which used to be treated as academically unacceptable, or even as cheating, are now widely regarded as normal and inevitable.
- That the effect of the RAE and other pressures on academics is to increase the quantity of research, not the quality, and to restrict innovative and critical thought?
- That there are pressures, often of a commercial nature, to avoid certain areas of research, or to falsify results or to distort their conclusions and significance?
- That, despite lip-service to the importance of teaching, universities and colleges take little account of this in career advancement?
- That academic values have been largely displaced by market values?
- That the stated ‘mission’ of universities to serve the community has been abandoned in favour of commercial priorities?
- That education in the UK no longer has the status of a right bringing social benefits, but is instead treated as a commodity to be bought and sold?
- That discrimination against women and ethnic minorities is still rife in the employment and promotion practices of tertiary education, despite the multicultural community it is supposed to serve?
- That the work of the union in fighting discrimination and victimisation can usefully be supplemented by specialised advice and support from an organization which focuses on issues of academic freedom and standards?

If you believe that many or most of these propositions are true, you ought to be a CAFAS member and your UCU branch ought to affiliate. Membership Secretary & Treasurer: Kirit Patel, 19 Greenhill Road, Harrow, Middlesex HA1 1LD, Tel: 02084115534
If you would like a speaker from CAFAS to address a branch meeting, contact: Colwyn Williamson, 07970 838 276 cafascordinator@gmail.com

Have you paid your SUBSCRIPTION?

Please send your cheque or standing order to the Membership Secretary, Kirit Patel, 19 Greenhill Road, Harrow, Middlesex HA1 1LD
kiritone@live.co.uk, Tel: 02084115534

From the Press

Ben Cosin sent us The Sunday Telegraph story below. It is about Dr Waney Squier whose research led her to different conclusions from those she had earlier held. She now faces a hearing before the British Medical Council on 15 September 2014.

*See: The Sunday Telegraph, 14 September, 2014:
<http://www.telegraph.co.uk/health/healthnews/11094379/Shaken-baby-expert-faces-witch-hunt.html>*

*See also the Oxford Mail:
http://www.oxfordmail.co.uk/news/11472921.Former_John_Radcliffe_doctor_faces_tribunal_hearing/PB,GT*

Below are the headline and link from a Daily Kos article by David Harris Gershon about Professor Steven Salaita that Janet Collett sent to Update.

<http://www.dailykos.com/story/2014/09/07/1327800/-Sudden-Calls-for-Civility-Threaten-Academic-Freedom-After-Palestinian-American-Professor-Fired>

PB, GT

Sudden Calls for ‘Civility’ Threaten Academic Freedom After Palestinian-American Professor Fired

Next deadline: 5 March 2015

Please send letters, news items and articles to:

Pat Brady patrick.brady28@googlemail.com & Geraldine Thorpe thorpegm@googlemail.com

You can also send us items at any time for earlier publication on the website.

CAFAS Update seeks to provide an open forum for opinion and discussion.

Items do not necessarily reflect the views of the Council.