

CAFAS Update No 47

5 July 2005 (edited)

Council for Academic Freedom & Academic Standards

<http://www.cafas.org.uk>

Next Meeting:

***Saturday 16 July 2005
Room 403
Birkbeck College
Malet Street
London WC1***

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

AUT CONDEMNS VICTIMISATION AT SWANSEA

A packed meeting of Swansea AUT on Wednesday afternoon [13.4.05] was addressed by Barry Johnson, Assistant General Secretary of the national union. He expressed concern at the threats of disciplinary action against individual AUT officers and emphasised that these should be responded to collectively.

The following resolutions were passed, all of them unanimously or near unanimously:

1. Swansea AUT endorses the motion to National Conference moved by Cardiff AUT, seconded by Birmingham AUT, and endorsed by several other local associations and by the National Executive:

Council condemns the action taken by the University of Swansea to suspend (not for the first time) Colwyn Williamson, veteran campaigner for academic freedom and natural justice and former president of Swansea AUT, in the midst of a dispute over department closures and during the process of a Petition to the Visitor which he had helped to draft.

Council condemns the University's action in suspending Mr Williamson, and calls on AUT executive to protest against this victimisation to Swansea University in the strongest possible terms and to campaign for his speedy reinstatement.

2. Swansea AUT condemns any threat of disciplinary action against Michael Cohen, who has resigned as the philosophy department's Examinations Officer on the ground that the provision made by the university for the welfare of students in the coming examinations is not adequate.

3. Swansea AUT condemns the University's failure to make adequate provision for the examination of the modules taught, until he was suspended, by Colwyn Williamson.

4. Swansea AUT empowers the Committee to organise a ballot for industrial action if this is deemed necessary.

The meeting was overwhelmingly supportive of the opposition already expressed by the Committee to the threats of disciplinary action against Swansea AUT officers and students.

Members noted current press coverage including that of the current issue of Private Eye under the title 'University of Wails'.

Swansea AUT Committee
15 April 2005

Cafas members are urged to send messages of support to Julia Cutmore, AUT President, University of Swansea, Swansea SA2 8PP j.t.cutmore@swan.ac.uk
Letters of protest to the Vice Chancellor, Professor Richard Davies, University of Swansea, Swansea SA2 8PP
(See pp 12-14 for further reports.)

The AUT National Council passed resolutions in support of Colwyn Williamson and Eva Link.

Report of Meeting on Melanoma

Place:

Parliament, Portcullis House, Boothroyd Room

Date: 14 June 2005

Organiser: Dr. Ian Gibson MP. Chairman, All-Party Parliamentary Group on Cancer

Speakers:

Dr. Ian Gibson MP

Prof. Margaret Spittle OBE

Prof. Richard Bruckdorfer (UCL Association of University Teachers)

Dr. John Hewitt (CAFAS)

Attendance:

A group of Members of Parliament with an interest in cancer.

Other interested parties.

Representatives of University College London were invited but did not attend.

Preamble

This report arises from the work and circumstances of Dr. Eva Link, a CAFAS member who works at UCL. Eva is Polish and has worked on melanoma, a form of skin cancer, throughout her career. Melanomas arise when certain skin cells, melanocytes, become malignant. (Melanocytes are so named because they make "melanin," the brown pigment responsible for variations in human skin colouration.)

Melanin has a peculiar property, namely that it can form a complex with a common chemical dye called methylene blue. There is no biological reason why methylene blue and melanin should form this complex, it is just an odd fact. However, melanomas produce melanin and will absorb lots of methylene blue as this complex forms. While still in Poland, Eva conceived the idea of using this property of methylene blue as the basis for a melanoma treatment.

Basically, Eva Link's aim was to chemically modify methylene blue in such a way that it would directly attack and kill melanoma cells, thus treating the disease. Twenty years ago she came to UCL to develop that work and succeeded in modifying the dye with radioactive agents. In laboratory tests, her techniques proved remarkably successful and were approved for phase 1 clinical trials.

Unfortunately, Eva's troubles then started and, ten years ago, against departmental advice, UCL effectively fired her, thus blocking the further development of her work. In due course, AUT and then CAFAS became involved, as did Dr. Ian Gibson, an MP who, in a former life, worked in cancer research. It was Dr. Gibson who organised the parliamentary meeting from which this report derives. This CAFAS report largely draws on presentations to that meeting.

Presentation

Dr. Ian Gibson introduced the speakers:

Dr. Margaret Spittle - Expert in melanoma, a consultant in clinical oncology, the Middlesex Hospital at UCLHs and St. Thomas' Hospital, past Vice-President of the Royal Society of Medicine, civilian consultant adviser to the Royal Navy and member of the National Defence Safety Committee.

Richard Bruckdorfer – Professor of Biochemistry at UCL and President of UCLAUT.

Dr. John Hewitt - Molecular Biologist and secretary to CAFAS.

Dr. Ian Gibson then provided a short background for the meeting:

Melanoma is a very serious condition with an increasing incidence, especially among young people but, for some reason, research into possible treatments into this disease have not had the priority enjoyed by conditions such as cancers of the breast or prostate. This meeting is to discuss reasons behind lack of progress in treating this disease. It is particularly concerned with the lack of progress in the development of a promising new technique for the treatment of melanoma, which involves a dye, methylene blue labelled with an α -particle emitter – Astatine-211.

Dr. Margaret Spittle

Dr. Spittle described her own work, the situation with regard to melanoma and her clinical experiences when using the methylene blue techniques. Besides her medical practice, Dr. Spittle is very active in promoting the charitable activities that offer support and treatment for melanoma sufferers. For example, she raised more than £60,000 for this cause by running a marathon.

Melanoma is a skin cancer and Dr. Spittle showed slides of melanomas, noting that the disease is most common in those Caucasians with fair skin and a tendency to moles. These tumours are very serious and frequently fatal. Once present, melanoma grows rapidly and spreads quickly, that is melanoma forms secondary, metastatic tumours, at an early stage. The secondary tumours can be very hard to detect or treat and it is these metastases that actually kill the patient. In clinical practice, only surgical removal of the melanoma currently offers any real hope of a successful treatment but even this fails unless the disease is diagnosed and treated prior to the formation of metastases. Unfortunately, patients very often perceive early melanomas as just another minor mole and many patients do not consult their doctor until the disease has already begun to

spread. By that time, other treatments, such as chemotherapy or radiotherapy, are usually unsuccessful and post-metastatic melanoma is almost always fatal.

Dr. Spittle referred to the report, now one month old, from the American Association for Clinical Oncology, which set a target date of 2010 for improving survival statistics for melanoma patients. This report also indicates that prospects for an improvement on that time scale do not look promising unless a new technique can be found. What is needed, she remarks, is a "magic bullet" technique, a treatment that would specifically target the cells in melanoma metastases and, she suggests, for this particular tumour, such a technique might be possible.

Dr. Spittle pointed to the work of Dr. Eva Link as a possible "magic bullet" procedure for melanoma. The procedure utilises the properties of melanin, the brown pigment produced by melanoma cells. Melanin quite specifically binds a dye called methylene blue and Eva Link has shown that, when an α -emitting radionuclide is attached to this dye, it identifies melanoma cells, enters them and kills them.

Dr. Link has actually developed two procedures – one in which the dye is labelled with radioiodine, whose γ -emissions have a very long range, but are comparatively non-destructive to melanoma cells. This radiation can be detected outside the body and can thereby be used to locate metastases. The other procedure uses radioastatine, whose α -emissions have a short range but are very harmful – this is chosen with the aim of killing melanoma cells.

Dr. Spittle described the outcome of studies using this technique.

Using iodine labelling, in humans, it was possible to detect metastases in patients even when they were invisible to clinical examination by other current methods.

Using astatine labelling, in mice, it proved possible to reduce the population of metastasised melanoma cells to undetectable levels and to achieve a "cure" that lasted for the normal life expectancy of the mice.

Prof. Spittle expressed her excitement at such results which, she feels, offer potential avenues both for diagnosis and for treatment.

Dr. Spittle noted that these techniques were developed some time ago and that they were approved for Phase I clinical trials in the mid 1990s. However, she went on to express her frustration that these trials had not taken place and that these exciting results had not been extended or developed further.

Prof. Richard Bruckdorfer (*UCL Association of University Teachers*)

Prof. Bruckdorfer noted that Eva Link devised the methylene blue procedure in Poland and, in 1982, was invited to UCL to develop it further. For most of her time at UCL, Dr. Link's work was supported by her own grants from CRUK (Cancer Research UK, then CRC) that funded both her research and salary. These funding arrangements continued for more than ten years.

Dr. Link's work at UCL was highly regarded and led to the clinical tests referred to earlier by Dr. Spittle. CRUK were willing to continue funding Dr. Link's work, including Phase I clinical trials, but made this funding dependent on Dr. Link, the principal investigator, being transferred to a UCL-paid academic post. The head of department in which Dr. Link worked recommended such a transfer to the College. However, UCL chose not to offer the post to Dr. Link and, instead, asked her to leave. This decision blocked the research programme in which she was engaged. A great many staff in UCL were, and are, concerned about this decision and Prof. Bruckdorfer presented an extended list of senior academics, many holding posts in UCL, who had expressed their support for Dr. Link and her work.

Even so, Dr. Link's paid contract ended. Like his predecessors at UCLAUT, Prof. Bruckdorfer continues to pursue this matter, as he feels that Dr. Link was badly treated and because there are larger issues to be considered than simply those of Dr. Link's employment.

Prof. Bruckdorfer makes the following points.

1. He feels that UCL's position is disturbing, particularly their moral stance. The college acted against advice and without giving any clear reasons for the decisions taken.
2. He finds the lack of progress in negotiations frustrating and comments on the catch-22 position in which untenured scientists can find themselves and their work. No funding without tenure; no tenure without funding. He points out that this situation applies to scientists with very successful scientific programmes.

3. Prof. Bruckdorfer notes that Dr. Link's programme could not easily be re-established elsewhere. She needs, and has already established, a team of predominantly UCL collaborators the expertise necessary for her work. Dr Link has the necessary license permissions awarded and tied to UCL, needs access to the London cyclotron (currently unique in Britain) and there are other facilities, presently at UCL, needed for her work.
4. In his capacity as a union officer, he is unhappy when senior scientists, with internationally recognised achievements, who have lacked neither expertise nor commitment, are nonetheless "dismissed," through the ending of their short-term contracts.
5. He wonders about the purpose, even the seeming senselessness, of encouraging a scientist to develop a research programme, over many years, and then pulling the rug from under that programme just as it proves its scientific significance, even of being clinically valuable, as is the case for Dr. Link's work.
6. He is especially concerned about this case. If the early promise shown by the methylene blue technique blossoms into clinical practice then we might all, not just Dr. Link or the college, regret the lack of vigour displayed in its early development. He asked the question, "What is the price of a melanoma patient's life."

Dr. John Hewitt (*Council for Academic Freedom and Academic Standards*)

Dr. Hewitt notes that many melanoma experts are very interested in using this new treatment and that, in 1997, a World Health Organization conference voted it the most promising new melanoma treatment under investigation. Dr. Link was a consultant to the US government on a national cancer programme, related to her work and organized a similar programme for the EU. She received an award from the International Society for Pigment Cell Research for her overall research into the methylene blue melanoma treatment.

CRUK offered external funding for the clinical trials but made it conditional on Dr. Link's transfer to a permanent UCL post. Despite extensive recommendations, UCL refused to make this appointment, thus blocking the trials, which never started. Dr. Link's paid contract ended several years ago and, since then, she has continued her work at UCL unpaid. In 2002, the mice bearing human melanoma models, developed by her, were killed by UCL and her scientific work has been virtually stopped. CAFAS is unaware of any acceptable reasons being given for these decisions.

CAFAS suggests that, for a scientist of Dr. Link's seniority and for a research programme of this significance, an appointment to a permanent academic post is normal practice. In fact, it seems that the work of an internationally respected scientist has been blocked for almost ten years. That, in itself, might be cause for concern but, given the promising preliminary clinical results alluded to earlier by Dr. Spittle and the worldwide interest expressed by so many other experts in melanoma and nuclear medicine, there is certainly a wider concern associated with this work.

To put the matter bluntly, this approach seems very promising and the only alternative at present is to watch patients with disseminated melanoma die quite quickly. Dr. Hewitt suggests that, in the public interest, this work should continue and the trials should start immediately.

It seems a shame that a prestigious and reputable college, such as UCL, is not willing to make the necessary arrangements. CAFAS is puzzled by this failure to promote a programme of research supported by so many qualified and disinterested observers and believes that, in the public interest, UCL should enable this work to proceed by making the necessary post available.

Discussion

The speaker's presentations were followed by a discussion and all present expressed their disquiet at the situation. A number of options were considered as to how one might address and resolve this situation. However, given the makeup of the committee meeting it seems inappropriate to use the pages of the CAFAS Update to review that discussion.

Accordingly, this version of the report will conclude here. Readers are invited to form their own opinions on the situation described and to offer suggestions as to the best way forward for Eva Link and for her research.

John Hewitt

Essex County Council Intelligence Lists

CAFAS Update readers would recall my earlier reports on Essex County Council List 98. Essex County is the only authority in the National Union of Teachers' eleven areas in the Eastern Region that has been keeping a secret pre-employment list since the 1970s. It is called List 98. No reason was given for the choice of the name. I learnt about it in February 2002, some 18 months after changes in the 1998 Data Protection Act and the introduction of the European Convention of Human Rights in the British Domestic Legal System.

My name was placed on the list in March 1995 and I was advised about that some seven years later.

I brought the matter to the attention of the NUT and the NASUWT. As a result of this, the NUT considered that the criteria provided by Essex County Council for inclusion on its List 98 were not adequate, as there were insufficient safeguards.

Following NUT representations to Essex County Council, its criteria for inclusion on its List 98 have been amended and improved with further safeguards added.

However, Essex County Council made a strategic decision to review its intelligence lists (Essex List 98 and the Social Services "List") and this process commenced in 2003. All names on List 98 were therefore considered against new criteria in 2003. Once the transfer of names was complete, List 98 and the Social Services List ceased to exist.

Individuals will not necessarily be aware they are on Index B as ECC stated they were not required to inform individuals that they are on Index B.

List 98 and Index B criteria are:

ECC List 98 Criteria	ECC Index B Criteria Former employees whose previous employment history may give cause for concern
Criminal Convictions related to sexual, violent or drug related offences.	1. When an individual has been dismissed or resigned whilst the subject of disciplinary investigation, from the council
Dismissal following disciplinary action.	2. Where the individual is the subject of criminal investigation or has a criminal conviction (unspent or spent if covered by the rehabilitation of Offenders Act 1974 Exceptions Orders), which does not justify inclusion on the list.
Resignation following compromise agreement.	3. Where an individual has provided false information e.g. false qualifications or failure to disclose a previous conviction.
Resignation prior to Disciplinary where dismissal likely (especially child protection issues).	4. Where an individual has been retired or resigned due to exceptional ill health.
Provision of false information (e.g. false qualifications).	5. Where an individual was in breach of their contract of employment.
Breach of contract.	6. Where an individual has resigned or left the employ of the council due to reasons of poor performance.
Exceptional ill health cases.	7. Any other reason where a person has left the employ of the council where there are grounds for concern if the person were to seek re-employment with the council in the future.

Concerns re: child protection issues inside or outside of school.	NB This index is for use where a person on the index reapplies for a job with Essex County Council ONLY
Awaiting decision re: List 99.	

It is not clear what are the significant differences between the two sets of criteria. However, the NUT, who has negotiated for improvements, states the following:

Inclusion on the list following compromise agreements would only take place if the issues resulting in the agreement were covered by index criteria. It was also confirmed that very few, if any, ill-health cases were on the list.

I also learnt as far back as September 1994 that Essex Education Authority had what they called a 'Closed File Policy'. I quote:

It is not the practice of Essex Education Authority to allow its employees access to their personal files. Where a school acquires Grant Maintained Status the personal files of the staff employed at the school transfer to the Governing Body, as the new employer, together with the 'closed file' practice. Mr Ali does not have access to his file, which is clearly the property of the Governing Body.

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The Difficulty of Employees Obtaining Legal Help

Disputes between employers, such as universities, colleges, schools, public bodies and large companies, and employee often involve failure of employers to respect institutional grievance procedures, which the employee cannot enforce except by law.

The aggrieved employee naturally seeks help from the trade union if she or he has joined it. The local, and possibly national, officials may give help in the form of advice; reference to a lawyer on the legal position; involvement of a solicitor; or representation by a barrister in court. The earlier help is relatively cheap, but involvement of a barrister in court may cost £100 to £2000 per day. The latter is beyond the resources of the vast majority of employees.

The trade union may be unwilling to support a particular employee in a case for a number of reasons, including: both parties to the dispute may belong to the same union; local officials may not wish to risk their careers by being seen to act against senior staff – to whom they may themselves be responsible; the case may have political implications, which are embarrassing to the trade union; the latter may have limited funds; the cases may be long, complicated and expensive; the trade unions are much more concerned with conditions of employment than matters of career, tenure, research, demotion and humiliation of staff.

The aggrieved person may approach CAFAS, Freedom to Care or Public Concern at Work; these organisations have extensive experience and guile, but cannot afford lawyers.

In addition to local legal centres and citizen's advice bureaux, a number of pro bono lawyers are prepared to help aggrieved parties, who cannot afford legal fees. My experience of the latter is that they are normally staffed by people of immense good will, who are rather short of time. They are usually prepared to give useful advice, but cannot or do not have the time to look into details of cases, act as solicitors, or appear in court as barristers.

Thus, there is a huge discrepancy between the virtually unlimited resources available to the employers, on the one hand, and the uncertain support of trade unions, welfare groups and whistleblowers, for the employees, on the other. This was recently commented on in a case which came before the European Court.

There may be a way out of this problem, using the Charters and Statutes of universities founded before 1990. I have looked at these documents for the Universities of Oxford and Surrey, and would request members from other universities to look at their documents. The above universities indicate that their 'membership' consists of the officers, the staff and the students.

In legal disputes between a university and a member of staff, the university officers instruct the finance officers to use university funds (public money) against its own staff. So, of course, do colleges, schools, hospitals and other public bodies.

The first question is, 'Can the university take legal action against its own members? The answer is, 'Yes.' A university, like a company, is a separate legal entity, and a company can take legal action against its own directors or citizens, who are also legal entities.

The second question is, 'Who gives the university officers the authority to use public funds against its members?' The answer is that this is one of the duties of senior officers.

The third question is, "Why should university funds not also be used for the legal expenses of other members of the university – the staff and students?" The answer is simply that senior officers refuse to allow such use of university funds, and that it is within the powers and responsibilities of these officers to decide how such funds are used.

One possible way around this problem seems to be as follows. If an employer is taking action against the employee, then the employee, the trade union, or CAFAS should write to the finance officer of the university formally asking that the legal fees of the employee – who is a member of the university – be paid for by the university. If the finance officer refuses, she or he should be asked the grounds for the refusal. Whatever grounds are given, the employee or his or her representative should refer the matter to the European Court as a matter of principle – that is the huge difference between the legal services available to the employer and those available to the employee. Legal advice may be needed at this time.

The Trades Union Congress and the larger trade unions should be interested in this. If the principle of fairness of a legal process, which permits both sides access to representation were established by the European Court, this would have important implication for trade unions, the public services, large companies, universities, colleges, hospitals, schools etc.

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LETTERS

Injustice

29 April 2005

With all due respect, CAFAS has linked to the Network for Education and Academic Rights, which means?

Our enemies are enemies of justice, but we live in a country where we have a legal system based on money power; we do not have a system of justice.

The most flagrant and continuing injustice is that in any confrontation between the representatives of power, Principals Heads, Lawyers and bureaucrats, versus our members, money power is always allocated to the holders of power. We, ourselves, pay to be attacked and robbed by the authorities who are the petty tyrants, the exploiters and the miscreants.

While this flagrant injustice continues and is allowed to continue the pages of *CAFAS Updates* will continue to report injustices ad infinitum---no amelioration is in sight. In the words of an old song of the last War--"and ever more shall be so."

Sincerely

Mike Downes

(See p12 for information on NEAR. Eds.)

Young Foundation Lectures

27 June 2005

Dear Colleague,

I was hoping that the members of your list would be interested in the following lecture series and that you might want to post it to your list.

The Young Foundation Lectures bring together some of the world's most innovative and important thinkers who are providing some of the essential mental maps for making sense of social change in the early years of the 21st century.

The Young Foundation, which is being launched this autumn, is a unique organisation that undertakes research to identify and understand social needs and then develops practical initiatives and institutions to address them.

Speakers already confirmed for this year's series include:

- **Professor Charles Tilly** of Columbia University - 'Why do things happen: from 9/11 to urban riots'.
- **Tariq Ramadan** - 'The Place of Islam in non-Islamic Societies'.
- **Arlie Hochschild** of the University of California, Berkeley - 'The Commercialisation of Intimate Life'.
- **Professor George Steiner** - reflections on meritocracy, half a century after Michael Young's book 'The Rise of the Meritocracy'.

All events are in central London, free and open to all. For further information and booking details visit www.youngfoundation.org.uk/?p=59.

Please do not hesitate to contact me should you require any further information.

With thanks and best wishes,

Nick Wilkie

The Young Foundation

020 8709 9268

1 July 2005

Thank you

Dear All,

You know from John Hewitt's report in this Update that there was another meeting to support me. It was organised by Dr Ian Gibson, MP, who is a chairman of two committees in the Commons: All-Parties Parliamentary Cancer Group, and Science and Technology Committee.

I would like to take this opportunity to express my gratitude to Dr Gibson and to everyone who made it possible through hard work behind the scenes and through an active contribution by giving a presentation and/or expressing points of view, especially to Dr Margaret Spittle, a Clinical Oncology Consultant with expertise in melanoma and to other leading melanoma specialists who were either present

at the meeting or sent their opinions by post, to Professor Richard Bruckdorfer, UCLAUT President and to Dr John Hewitt, who represented CAFAS.

The support was overwhelming and there are no words I can use to say thank you adequately.

Your messages with good wishes have continued to arrive since the publication of the last Update. I am really most grateful for all your thoughts and encouragement. A special thank you goes to Bob Potter, our past Treasurer and Membership Secretary, who has a fantastic sense of humour. You made me laugh a lot, Bob. Thank you.

It makes enormous difference to know that so many people do care and I do appreciate your support very much indeed.

Eva Link

The Academic Boycott of Israel

Cafas members will have their own view of the decision of the AUT to hold an academic boycott of two universities in Israel and of the recent reversal of the decision.

Cafas does not have a position on an academic boycott of Israel. Could members who wish to state their position on it please make sure that if you refer to Cafas it is clear that you are writing in a personal capacity and that Cafas does not have a position on the boycott.

Cafas upholds the right of independence of trade unions and academic organizations and of their right to act according to the wishes of their members. The Council opposes any form of victimization and defends the principle of academic freedom (ERA 1988) that, 'academic staff have freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs'.

A group named the Campaign Group for Academic Freedom, formed recently under the aegis of the Board of Deputies of British Jews with the single aim of opposing the AUT boycott, has been reported in the press both as the Campaign Group for Academic Freedom and as the Campaign for Academic Freedom. As readers know, Cafas has, for many years, often been referred to in the press as the Campaign for Academic Freedom, which is regarded by many as a synonym for Cafas.

Cafas' secretary, Dr John Hewitt, has written to the Campaign Group for Academic Freedom asking them to note the difference between their and Cafas' position on the boycott and to ensure that their organization could not be mistaken for Cafas.

London Metropolitan University Contract Dispute

London Met Natfhe held a five-day strike in May.

Industrial action short of a strike and the academic boycott of the university continue.

The Students' Union have informed the Board of Governors that they support Natfhe's proposal for ACAS mediation.

The university has since removed material from the Student Union website. This is in the wake of suppressing histories of the former University of North London and London Guildhall University.

Messages of support to Steve Cushion, Natfhe,
s.cushion@londonmet.ac.uk

Readers may wish to write to Mr Brian Roper, Vice Chancellor, London Metropolitan University,
166-220 Holloway Road, London N7 8DB.

b.roper@londonmet.ac.uk

Full details of the dispute are on www.natfhe.org.uk

NOTICES

CAFAS - ISBN Publisher

It was agreed at a Cafas Committee meeting in May that Cafas acquires some ISBNs. Cafas is now a certificated holder of the ISBN Publisher Prefix
0-9550782

We have been allocated 10 numbers two of which are now assigned to:

**Michael Cohen & Colwyn Williamson, 2004, *The Mission Betrayed*, Cafas.
ISBN: 0-9550782-0-2**

**Michael Cohen & Colwyn Williamson, 2004, *The Tangled Web*, Cafas
ISBN: 0-9550782-1-0**

Copies of *The Mission Betrayed* can be obtained from Cafas Membership Secretary for £3 (including postage) and of *The Tangled Web* (including the petitioners' final submission) for £2 (including postage).

Defending-Academic-Freedom JISCMail List

The April meeting decided to set up an e-list with JISC-Mail, the holder of such lists for the academic and research community in the UK.

Cafas now owns the e-list, defending-academic-freedom, which is linked to our website. It is very much in its infancy so there is still very little in the archive but we hope to build it quickly. Anyone who supports the aims of Cafas is welcome to join.

There are two ways to join.

I. Go to Cafas website <http://www.cafas.org>

1. Open the link to Defending Academic Freedom (Email list) on the Home Page.
2. Click on 'Join or Leave the List...'
3. Write your email address and your first and last names in the boxes (complete both) and click on the box that says 'Join...'

II. Email JISCMail directly.

1. Send to: LISTSERVE@JISCMail.ac.uk
2. Leave Subject blank.
3. Send the text:

Subscribe Defending-Academic-Freedom YourFirstName YourLastName

NB: one space between each word. Defending-Academic-Freedom is one hyphenated word. Do not add punctuation or other text.

To post a contribution

Either: Send to:

Defending-academic-freedom@jiscmail.ac.uk

Or: Go to Cafas website, click on the link and then click on 'Post to the List'.

Several Cafas members are list owners and you can contact them by clicking on 'email list owners' in the link

Geraldine Thorpe,
g.thorpe@londonmet.ac.uk is setting up the list and
John Hewitt, john.hewitt22@ntlworld.com is managing the link to it.

The list is restricted in the sense that only registered members can post and receive messages. The owners of the list will know that you have joined but until you contribute you will remain anonymous. All contributions are held in a JISCMail archive and can be accessed from Cafas website.

Committee

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Next Update

Please send letters, news items and articles to:

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0208 986 3004

Deadline: 30 September 2005

NEXT MEETING

Saturday 16 July 2005 at 2.00 p.m.

Birkbeck College

Agenda

- 1. Minutes**
- 2. Matters arising**
- 3. Case reports**
- 4. AOB**

There will be an officers' meeting in Room 403 at 1.30 pm

Informal lunch and chat from 12.30 in the Junior Common Room, 4th floor, extension wing, Birkbeck College, Malet Street. All welcome.

NEAR

Cafas has linked to the Network for Education and Academic Rights (NEAR).

Information is on the website <http://www.nearinternational.org/>

'NEAR's purpose is to facilitate the rapid global transfer of accurate information in response to breaches of academic freedom and human rights in education.'

CONSTITUTION

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

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

REINSTATE COLWYN!

Statement from Howard Moss, 21st March 2005:

Dear Colleagues

As AUT personal cases co-ordinator I deal with many cases brought to the AUT by members. These are of many different kinds but what unites them is the need for confidentiality. It is therefore with an enormous degree of unease - though I have the full permission of the member involved - that I am taking the unprecedented step of informing colleagues in the University of the details of a particular case. I feel obliged to do this both in order to correct the gross distortions about the case which are being spread and because certain actions taken represent a high degree of unfairness on the part of the University.

At 7.30 am on Tuesday 1 March, police went to the house of an AUT member and arrested him on suspicion of breaching the Computer Misuse Act 1990. They searched his house and removed all computer equipment, including that belonging to his young daughter. Later the same morning, the police arrived at the University accompanied by an employee of the University's legal firm, and removed all computer equipment and other material from his office. After holding him behind bars for several hours, followed by a brief interview regarding his accessing someone else's email, the police told him they had no wish to bring charges and would drop the matter if he accepted a caution, which he agreed to. He was told that the matter was now closed, and his computer equipment was returned.

The following day, 2 March, he received a letter from the Vice Chancellor stating that he was suspended, and prohibited from coming onto campus, pending an investigation 'which concerns possible criminal offences of computer misuse'.

I was appointed by the AUT to represent the member. I discovered that the police had acted on a request from the University, and that they had been asked to investigate a complaint lodged with the University some eleven months earlier by the member's former partner that he had accessed her emails without permission. She had not herself asked for it to become a police matter. There was no suggestion that the alleged offence had been repeated in the intervening period, and the parties had had no contact since.

It appeared to me that for the Vice Chancellor to suspend in these circumstances was a wholly disproportionate reaction. AUT has been involved in a number of cases in which suspension has been used, and we have often agreed that such action was necessary. The Vice Chancellor does have the discretionary power to suspend under certain circumstances, but clearly this discretion must be exercised in a reasonable way. Although suspension is represented as not being a disciplinary measure, it is clearly punitive in its effects, and in practice it is unlikely that others will interpret it in a neutral way. What has always in the past been construed as a reasonable basis for suspension is the possibility that failure to suspend could prejudice or impede an investigation. Cases where this might apply are where there is a real possibility of the parties coming into the kind of contact which would entail some kind of risk, or where there is a danger of the member repeating the offence. There was no evidence to suggest any risk, and the danger of repetition was irrelevant, since the alleged offence had nothing to do with being on or off campus. In addition suspension was sure to cause difficulties for students and colleagues. So, on the face of it, suspending the member in this case may seem something of a mystery. But does the mystery become less if

I say, for those who do not already know, that the name of the suspended individual is Colwyn Williamson?

The letter received by Mr Williamson gave the complaint associated with the police investigation as the reason for suspension. Given the nature of the complaint this was an excessive reaction at the time. Now that the police have concluded their investigation with the result described above, continued suspension seems even more unconscionable. What the Vice Chancellor is now saying is that the University wishes to investigate suspicions that Mr Williamson may have compromised the University's computing system by "hacking" into the Registry. This was something which had not been alleged to the police and which, as far as I can discover, is entirely without foundation. I do not know that anyone has asked the Vice Chancellor to investigate Mr Williamson for hacking into the Registry and, if someone had, an investigation would have to be based on more than just suspicion, particularly if the suspension is somehow connected to this. I have suggested to the University that it will in fact be impossible for suspension not to be seen as being connected to another current dispute. I have also asked the University to relax its ruling that Mr Williamson give three days' notice and be under escort if he visits the campus on trade union business. This has been refused.

Many people will know that I have not always seen eye to eye with Mr Williamson on important issues that have arisen within the University and the AUT. But I am not prepared to stand idly by and watch this colleague - or any colleague - be subjected to oppressive behaviour which may amount to victimisation. I am a firm believer, as I am sure most of us are, in the well-known maxim about good men doing nothing. The Vice Chancellor has agreed to keep the suspension under review and, given the circumstances, I renew my request for it to be lifted.

Howard Moss

AUT Personal Cases Co-ordinator

Update from Swansea - 24th March 2005

Last week a member of Swansea's Student Action Committee Against Closures was summoned to a local Police Station to be interviewed about a complaint against him lodged by the Vice-Chancellor under the Harassment Act 1997. He was accused, the police told him, of an offence under the Act by putting up posters which cast the Vice-Chancellor in a critical light, notably by depicting him in a fashion which was variously described as "elongation of the head" and "with a pointed head". Offences under the Act are imprisonable. In the event he was not charged but released with a warning.

Today a Students' Union representative on Senate was charged with an offence under the university's internal disciplinary procedure for calling the Vice-Chancellor a "coward" for dissolving the last meeting of Senate in the face of a student demonstration against CW's suspension. It is understood that the professor who compared dissolving the meeting with Hitler's dissolution of the Reichstag is not to be charged.

Update from Swansea - 31st March 2005

The latest development is that the VC here has now threatened discipline/dismissal against Colwyn's AUT rep, the Treasurer.

See also:

- * ["How to win friends and influence people"](#) - on Peter Black's Blogspot
 - * [Article in Western Mail, 30th March 2005](#)
 - * [Student To Face Disciplinary Over Meeting Outburst](#) (From "This is South Wales" site)
- Send messages of support to autcommittee@swansea.ac.uk, colwynwilliamson@hotmail.com.
-

This site is owned and maintained by Sue Blackwell.

Last updated: 4th April 2005

The above was extracted from:
<http://www.sue.be/unions/colwyn.html>

The Research Assessment Exercise 2008

Recently, an RAE officer confirmed that there is no 'rule' about publication, ISBNs or even referees. To require these could contravene clauses on fairness and equity in the guidance to panels. The emphasis is on the quality of research in itself, which is assessed, not the technical details.

The officer wrote:

"As per our early conversation, I'd like to draw your attention to paragraph 15 of the guidance to panels which states 'all types of research and all forms of research output shall be assessed on a fair and equal basis'. Paragraph 48 a of the same document also states 'sub-panels may neither rank nor regard any form of output as of greater or lesser quality than another per se.' The panels draft criteria and working methods statements will confirm this when published in the summer of this year for consultation."

Publication of the guidelines for the next RAE should be completed by the end of the year. There are some already on the RAE website - <http://www.rae.ac.uk>

The difficulty seems to be that the actual management of the exercise tends to violate its principles in the process of making it workable. Anthea Lipsett's report 'RAE raises UK journal activity' in the *Times Higher Education Supplement*, July 1 2005, p4, highlights the problems.

The UK is the only country in the world not to have at least some public tertiary institutions, which may strengthen the illusion that competing for funding through ranking is necessary if not 'natural'. This violates the principle held by the universities after the war that public money should not compete against itself. The University of Buckingham remains the only 'for-profit' university in the UK, underlining the fact that education today depends on public funding.

For an insight into the RAE, John Griffith's *Research assessment: as strange a maze as e'er men trod*, (Cafas Report No 4, 1995) exposes the contradictions in an illuminating critique of the research exercise. His report is as relevant today as it was 10 years ago and poses a superior alternative against the present muddle.

Geraldine Thorpe

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

Items do not necessarily reflect the views of the Council.