

# ***CAFAS Update No 48***

***30 September 2005 (edited)***

***Council for Academic Freedom & Academic Standards***

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

***Next Meeting:***

***Saturday 15 October 2005***

***2.00 p.m.***

***Room 253***

***Birkbeck College***

***Malet Street***

***London WC1***

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

## **Lancaster Six to Appeal ‘Guilty’ Verdict**

'Student demonstrators will appeal aggravated trespass conviction

Freedom of speech under threat Human Rights organisations are outraged as a verdict of guilty was returned today after a trial many say has embarrassed Lancaster University (1). Six students and graduates avoided custodial sentences for aggravated trespass because the Judge found that they did not intend to obstruct or intimidate at the Corporate Venturing conference they demonstrated at twelve months ago (2). They are determined to appeal on freedom of speech grounds.'

Full details are on their website:

<http://www.free-webspace.biz/GeorgeFox/>

Sign the Petition: <http://www.petitiononline.com/gfox6/>

Write to: [georgefox6@linuxmail.org](mailto:georgefox6@linuxmail.org)

There have been a number of press reports on six students and alumni who were tried last week on criminal charges of 'aggravated trespass' for participating in a demonstration at Lancaster University.

The court hearing lasted from 26-29 September. You can write to: The Vice Chancellor, Prof. Paul Welling, Lancaster University, University House, Lancaster LA1 4YW or email the Secretary Ms F Aiken at [F.aiken@lancaster.ac.uk](mailto:F.aiken@lancaster.ac.uk)

Below is the letter that the University Secretary sent to Cafas in response to our questions on the delay between the event and allegation and the procedures that the university used.

12 September 2005

Dear [Cafas]

Thank you for your letter of 3 September 2005 addressed to the Vice-Chancellor. He has asked me to reply to you.

I would like to correct some apparent misconceptions before I respond to your particular request. The incident took place in September 2004 when a group of individuals, some (but not all) of whom are currently students of this University, disrupted a conference on campus at Lancaster. The "action" is claimed by an organisation called Lancaster Earth First, which is not affiliated<sup>i</sup> to the University or the Students' Union. I do not accept your interpretation of events as "an apparently typical and peaceful student demonstration."

You asked about our guidelines and procedures. We have, as required by law, a code on freedom of speech which has served the University and Students' Union well in the past<sup>ii</sup>. Discussions with the Students' Union since the protestors were charged indicate that at present there is no need to change the code<sup>iii</sup>. We also have disciplinary procedures and appeals procedures. However, we took the view that it would be totally inappropriate to apply University disciplinary regulations to some of the protestors, when others would be exempt from them - this did not seem fair and no action was initially taken. However, evidence subsequently came to light which suggested that criminal activity had taken place<sup>iv</sup>, and this was brought to the attention of the police. They investigated the matter and brought charges against the protestors in, I believe, March 2005.

The decision to prosecute the students was taken by the Crown Prosecution Service and only it can decide not to proceed with the case<sup>v</sup>. This is not a civil case brought by the University, which we could drop and reach a settlement out of court as you suggest, but is rather about alleged criminal activity.

Thank you for your interest in this matter. It is an interesting case, raising as it does issues around freedom of speech, academic freedom (the protest was, at least in part, about whether or not academics should work with large, multi-national companies and commercialize research) and the right of staff, students and visitors to undertake their work on campus in an environment free from intimidation.

Yours sincerely

### **The Response from the Six**

i A report of the demonstration was posted on a website called [indymedia.org.uk](http://indymedia.org.uk) by a person who named him/herself Lancaster Earth First. The report was written in the third person, and in any case we see this as a red herring, since we do not appreciate the difference between students and alumni who are in a group with a name, or those in a group without a name. (Lancaster Earth First does indeed exist - their last 'action' appears to have been organising a community litter pick in some urban woodland).

ii Which they have not followed. The last meeting of the standing committee on meetings was ten years ago, and this particular conference was not advertised in accordance with the code.

iii The students' union has rejected demands by the university that all student demonstrations be registered beforehand.

iv It is difficult to see what evidence came to light that suddenly made the demonstration 'criminal activity'. University staff were there on the day, as were police and security - something like 60 people saw what these six people did that day.

v As you are probably aware, the case cannot continue if the university asks the CPS to drop charges since it is not in the public interest, or if the university decides that the six students and alumni were not trespassing that day.

<http://www.free-webspace.biz/GeorgeFox>

[georgefox6@linuxmail.org](mailto:georgefox6@linuxmail.org)

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**Meeting Dates 2005-06  
on page 7.**

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## **Middlesex Students' Union President suspended**

Date: Thu, 22 Sep 2005 17:25:03 +0100

To: SA Blackwell <[s.a.blackwell@BHAM.AC.UK](mailto:s.a.blackwell@BHAM.AC.UK)> From: Sean Wallis <[s.wallis@ucl.ac.uk](mailto:s.wallis@ucl.ac.uk)>

Subject: Fwd: Middlesex Students Union President suspended

Dear colleagues,

The following is fairly self-explanatory.

It looks like this might turn into a test case. Middlesex University has just suspended their Student Union President for refusing to ban a student meeting (potentially suspending his studies as well).

Clearly this action is an attack on the independence of the student union, on academic freedom and the freedom of expression more generally. I also think it is wholly counterproductive and plays into the hands of those who say that Muslims cannot integrate into British society.

Please circulate and send signatures to [k.shilson@mdx.ac.uk](mailto:k.shilson@mdx.ac.uk).

Sean

.....  
Last year Middlesex Students' Government passed a policy to allow the group Hizb ut-Tahrir to organise on campus at the University, in the spirit of freedom of speech and debate for non-violent organisations.

In the light of the Governments' plans to outlaw this group, a group of students requested that a meeting was held on Wednesday 28.09 with Hizb ut-Tahrir on campus so that their views could be outlined and discussed, which the Student Union then did.

The University Executive demanded that the Union ban the meeting, and when Keith Shilson, MUSU President refused, he was suspended and security was called to escort him off the campus at Trent Park. He has been told he cannot contact anyone within the university and cannot return to any university premises.

He says "The university has no right to suspend me as the President of the Students Union and I believe I am being suspended 'as a student,' which means I won't be able to graduate. And my crime? Defending a policy democratically decided by student government last May to defend the right of Hizb ut-Tahrir to meet and discuss on campus. Although I and other students do not agree with their politics, we believe they should have the right to free speech. They have not been banned by the government and have made public statements that the 7<sup>th</sup> July bombings were against Islam."

We think the over reaction to Keith's position on this issue was outrageous and shows the University's lack of respect for students' wishes, and no respect for the freedom of speech. A University

should be a place of open discussion and students should be able to criticize the Government in a non-violent way without threat of persecution.

**Messages of support to:-**

Keith Shilson

President

Middlesex University Students' Union

Bramley Road

London

N14 4YZ

tel: 020 8411 6763; fax: 020 8440 5944; mob: 07947 725 437; email: [K.Shilson@mdx.ac.uk](mailto:K.Shilson@mdx.ac.uk)

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**Statement of opposition to Middlesex University's suspension of MUSU President**

We are opposed to Middlesex University's decision to suspend the Students' Union President, Keith Shilson, after he organised a meeting with the group Hizb ut-Tahrir at the request of Middlesex students.

The Students Union has a policy passed through the Student Government to respect the right of Hizb ut-Tahrir to organise meetings at the University. Keith was defending the democratic wishes of the students, for which he should not be penalised in such a way.

Hizb ut-Tahrir is a non-violent organisation that publicly condemned the 7th July bombings in London. We believe that a University is a place of open discussion and debate. Criticism of the Government should be seen to be creating healthy debate.

We uphold the right of students to exercise freedom of speech on campus and believe this should set an example for the rest of society, which is currently engaged in a huge debate over our civil liberties as UK citizens.

We demand that Keith Shilson is reinstated as a student of Middlesex University and allowed back onto campus to resume his duties as Students Union President.

Signed:

Andy Tremayne, Middlesex Unison branch secretary

Dr Hakim Adi, Professor of History Middlesex University

This case , one at Birmingham University and other cases are on the defending-academic-freedom e-mail list.

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## Mind the cultural gap

Over the past few years, academics in the UK Higher Education Institutions have been facing tough challenges, and not a few opportunities, arising from the increase number of students from mainland China. Speaking recently at the quarterly meeting of the Council for Academic Freedom and Academic Standards (CAFAS), Foster Fei, a Chinese doctoral candidate and a Research and Teaching Associate from the School of Management, University of Bath, highlighted these challenges and called for a timely review of existing practices in HEIs. Drawing upon his own educational experience over the past ten years outside China and upon his own research, he argues that the lack of awareness and sensitivity to the differences between academic cultures between the UK and China remains one of the biggest challenges. He urged both academics and Chinese students to “mind the cultural gap”. Academics often adopt the “when in Rome, do as the Romans do” mentality and expect Chinese students to change alone. This does not help and can make things difficult for students studying abroad for the first time, who are on short, one-year postgraduate taught programmes and who have little time to adapt.

One way of addressing the cultural gap within the context of the ever more globalised higher education sector is that students (both home and overseas) should be sufficiently sensitised by academics using cross-

cultural teaching and learning materials. This, however, will demand not only additional preparation time on the part of the academics, but also enthusiasm and a genuine desire to value students' own knowledge. In terms of teaching and assessment methods, informal tutorials engaging a small number of students are often found 'teachable' and 'learnable'. Academics should also be prepared to modify the existing assessment methods, so that students of a wider range of learning styles and cultural backgrounds can be adequately assessed. 'Mixing-them-up' if in a diverse cultural setting, so that students are less likely to work with someone who is from the same culture.

In addition to the need to change teaching and assessment methods resulting from the seemingly obvious academic cultural differences, not much can be done if resources are not made available at the pre-arrival, arrival and post-arrival stages of the learning experience of the Chinese students. Given the same implication, academics are equally not adequately oriented towards the differences in academic cultures. Taken at a different level, the existing position of competitiveness and attractiveness of UK higher education may have to be compromised if we continue to choose to ignore the wake-up call. One of many consequences is, not surprisingly, harsh and worrying for VCs who are feeling the pain already and the number of Chinese students is estimated to fall by 25% - 50% in the new academic year.

Foster Fei [mpfxdf@bath.ac.uk](mailto:mpfxdf@bath.ac.uk)

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## ***Essex County Council Practices***

This gentleman is a complete nuisance. If he does not go away please come back to me and we will see what we can do.

This was an email about me from an ECC Solicitor to three ECC Officers (one of them I shall call Officer A) early on Wednesday morning 14 July 2004 in response to my enquiries regarding ECC List 98.

Officer A sent me an email on Tuesday 05 July 2005, in which he wrote

*If you are seeking to discover some form of illicit policy of improperly maintaining information in relation to members of staff, on the basis of secrecy, you will not be successful, since no such practice exists.*

Another officer informed me that my name was placed on ECC List 98 on Friday 03 March 1995. A fourth officer responded to a written enquiry from me on Thursday 29 April 2004 by stating the following:

*I have checked the position with colleagues and have to inform you that I did not place your name on List 98 in March 1995.*

Further enquires produced the following reply from ECC Chief Executive in November 2004:

*The inclusion of an individual's name on what was known as 'List 98' was brought about by the application of an administrative process, and therefore no individual officer can be held to have had responsibility for such action.*

Here are some comments from a CAFAS colleague:

*An administrative process cannot place teachers' names on lists, but a person following an administrative process did place your name on the List.*

*Administrative processes do not operate of their own volition but require having a human being to create and then to operate them.*

Essex County Council List 98 was a significant secret list. It is not a harmless register. The inclusion of a teacher's name on it has a crucial impact on that teacher's career and prospects. Any ECC Officer who

places a teacher's name on the list should take meticulous steps to safeguard the rights of the teacher. Such an officer must be identifiable and accountable for such action. It has to be a senior officer. Because of its confidentiality it cannot possibly be open to every ECC Officer to undertake that task.

Whilst ECC now try to pretend that List 98 is entirely innocuous, its name really does say what it is about. To the best of my knowledge no teacher whose name was placed on the list ever gained further permanent employment with ECC. Therefore, as far as I am concerned, my name was placed on this blacklist without my knowledge for some seven years and this has prevented me gaining a permanent teaching post in my home county since March 1995.

An NUT Solicitor posed the following question on Monday 13 May 2002 to Officer A:  
*Who considers and decides whether or not to include an individual on the list?*

Officer A's reply on Thursday 23 May 2002 was:  
*An Officer in the Personnel & Development team currently has responsibility to check the referral to List 98 against the specified criteria, and to make a decision about inclusion on List 98.*

### **Essex 'closed file' practice**

Southend-on-Sea Cecil Jones High School operated what it called Essex 'closed file' policy while Westcliff-on-Sea St Bernard's High School was not aware of the existence of such policy.

A fifth ECC Officer who later claimed to be the most appropriate officer to address the issue wrote to me on Monday 04 July 2005 the following:  
*The closed file policy to which you refer was a countywide policy which operated across the County Council and at all its establishments.*

On Thursday 18 August 2005 she added:  
*I am unable to explain how St Bernard's High School was not aware of an Essex County Council Policy.*

However, Officer A in an email to me on Monday 27 June 2005, stated:  
***We have never operated or commended a 'closed-file' policy.***

What an inconsistency! To borrow Swansea's expression, here is another example of a ***tangled web***. I wonder whether other colleagues have met similar bureaucratic nightmares.

### **Where am I now?**

I definitely know the name of the ECC Officer who claimed not to have placed my name on ECC List 98 on Friday 03 March 1995 but not the one who did.

Majzoub B Ali  
[MajzoubBAli@hotmail.com](mailto:MajzoubBAli@hotmail.com)

# LETTERS

23 September 2005

I recently had the following email interaction with a university professor, which I believe illustrates one of the problems that can arise from unresolved disputes between students and professors at universities. The interaction began with my request to him to act as referee, if required, for a job I was applying for.  
*I would like to put your name down as referee for a job I am applying for, to do teaching at a university. I hope that's alright.*

He responded,  
*I am certainly able to write a reference for you,*

upon which I wrote again, asking,  
*Will you, if asked? Would you write a good one?*

My concern was that he would not write one, or if he did, it would not reflect my capabilities. But he wrote back, saying,

*Sorry if my last message was not sufficiently clear. I was confirming that I am happy for you to put my name down as a referee and that I will write a reference in support of your application when asked.*

He always did have a precise way of writing.

Since being forced out of university I have applied for many jobs, and despite the good references I believed would have been written about me, had not been able to get one. I decided to write back to the professor, expressing my concerns over the lack of results, despite many times having put his name down as referee on my application:

*You don't think that whatever good things you might say contradict your actions - i.e. withdrawing your support as supervisor of my PhD dissertation? I haven't worked since you did that, you know. You do realise that you have the power to stop me from getting ahead at all. Just because you do pretty much next to nothing doesn't mean that secretaries, colleagues, other students, etc. don't try and do what they think you want, whether it is or not, in regards to me. And if not what you want, then it's another professor with whom I'd had problems they're trying to please.*

*They say men often don't realise the power they have. You're not the first one I met who overdid it and contributed to putting me down at the bottom. You're a very powerful man. Too bad you don't know how to use it in a good way. And if it's because you don't want to, then you're something worse than just unaware.*

I hadn't really expected a response from the professor. And the other one, the one who made sure I didn't get to teach any more as a student, had closed me out long ago, not even allowing me to correspond by email. I didn't imagine I was telling him anything he didn't already know. We (those of us in unresolved disputes) keep hoping that things will end up all right, that life really is fair. But it isn't, is it.

**Sue McPherson 2005**

Colchester

sue@mcphersons.freemove.co.uk

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**15 July 2005**

## ***Exposing Malpractice***

I read with great interest Harold Hillman's article in CAFAS Update 47 of July 2005. His analysis was illuminating and very helpful.

I would like to suggest that an aggrieved employee should only consider going to courts as the last resort especially, as Dr Hillman rightly pointed out, due to the colossal financial costs.

The aggrieved person may be cash poor but he should certainly be time rich. He should make full use of his local Member of Parliament who is supposed to work for him. CAFAS and other organisations whom Dr Hillman referred to as having 'immense good will' should encourage the individual to research and present his own case.

Big organisations always welcome going to courts especially if the aggrieved person initiated formal proceedings as they are willing to hand matters over to their generously resourced barristers.

Individuals should pursue public bodies, as these bodies are accountable to us.

**Majzoub B Ali**

Southend-on-Sea

MajzoubBAli@hotmail.com

# 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).

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## Academic Freedom e-list and Defending-Academic-Freedom JISCMail List

Readers may recall that Update 47 carried notices for the Academic Freedom e-list run by Cafas member, Sue Blackwell, University of Birmingham and the Defending-Academic-Freedom e-list run by Cafas. Members of the two lists are now in the Defending-Academic-Freedom JISCMail List and Sue Blackwell, s.a.blackwell@bham.ac.uk is now a lead List Owner. Geraldine Thorpe, g.thorpe@londonmet.ac.uk is another owner who shares this task.

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

John Hewitt, john.hewitt22@ntlworld.com is an owner managing the link to it.

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](mailto: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](mailto:Defending-academic-freedom@jiscmail.ac.uk)

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



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

### Chair:

#### **John Fernandes**

76 Bois Hall Rd, Addlestone Surrey KT15 2JN  
020 8 208 5000 (w) Fax: 020 8 208 5260 (w)  
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john.hewitt22@ntlworld.com

### Membership Secretary & Treasurer:

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17 Highcliffe, Clivesdon Court, London W13 8DP  
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### Founding Member

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### David Regan Appeal

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j.i.collett@sussex.ac.uk

### Health & Safety Spokesperson:

#### **Dr David Heathcote**

Dept of Applied Psychology, Bournemouth University BH12 5BB  
01202595283; dhealthco@bournemouth.ac.uk

### Students' Complaints:

#### **Dr Harold Hillman**

3 Merrow Dene, 76 Epsom Road, Guildford GU1 2BX  
01483568332; harold.hillman@btinternet.com

### Website

#### **Dr John Hewitt**

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john.hewitt22@ntlworld.com  
<http://www.ahabitoflies.co.uk>

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**Next Update**

Please send letters, news items and articles to:

*CAFAS Update*

7 Benn Street

London E9 5SU

e-mail: g.thorpe@londonmet.ac.uk

0208 986 3004

Deadline: 8 January 2006

## **MEETING DATES & ROOMS**

**Birkbeck College**

**Malet Street,**

**London WC1**

**15 October 2005 at 2.00pm:**

**Room 253**

**28 January 2006 at 2.00pm:**

**Room 252**

**22 April 2006: AGM 1.30pm; Ordinary Meeting: 2.00pm**

**Room 252**

**15 July 2006 at 2.00pm:**

**Room 253**

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## **NEXT MEETING**

**Saturday 15 October 2005 at 2.00 p.m.**

### **Agenda**

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

**There will be an officers' meeting in Room 253 at 1.30 pm**

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

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## CONSTITUTION

CAFAS' aims are outlined on the membership form. The full constitution can be obtained from the Secretary or [www.cafas.org.uk](http://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.

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## 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.'

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

**Items do not necessarily reflect the views of the Council.**

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