

CAFAS Update No. 58

14 April 2008

Council for Academic Freedom & Academic Standards

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

AGM & Meeting:

*Saturday 26 April 2008
1.30 pm AGM; 2.00 pm Meeting
Room 252
Birkbeck College
Malet Street
London WC1*

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

Chinese 'cheating' case nears victory

I reported in *Update 56* on the case of Yu Jin, the young Chinese woman in Swansea who was convicted of cheating by a committee of inquiry which decided that, in June 2006, she had taken into an exam a piece of paper on which was written something that gave her an unfair advantage. They reached this conclusion although they had never seen the alleged piece of paper, and in the knowledge that, when she was accused of the offence, she'd asked to be searched and this had been refused.

Yu Jin was allowed to attend the hearing which resulted in her conviction, but no provision was made for her to understand the proceedings,

despite its being common knowledge in Swansea that the university has recruited large numbers of lucrative Chinese students with a very poor command of English.

CAFAS took the view that she had been treated very unfairly, that there had been virtually no evidence against her, and that it had been a travesty of justice to conduct the proceedings against her without an interpreter. We also thought it reasonable to suspect that her treatment had been influenced by the widespread racist attitudes towards Chinese students, the received wisdom being that it is 'in their nature' to cheat. And finally, we questioned the impartiality of a disciplinary process from which the university draws financial profit: convicted students are often—as in Jin's case—obliged to repeat the year at a cost of over £8,000 in additional fees. For a university which has convicted some 250 students of cheating in the last three years, most of them

from overseas, especially China, the income derived from this practice is by no means insignificant.

We resolved, therefore, to give Jin our full support in appealing against the conviction. Swansea was at that time still part of the University of Wales, and the procedure was that students had to appeal to Wales if they were dissatisfied with their treatment in Swansea.

Relations between Wales and Swansea being on the cosy side, these appeals were rarely successful. And so it proved in Jin's case: Wales swiftly decided that she had no basis on which to appeal Swansea's decision.

CAFAS advised her that she must ask the Office of the Independent Adjudicator (OIA) to review this bizarre decision. The outcome was wholly in her favour. The OIA issued a report which found serious irregularities in how Swansea had dealt with her case: they had failed to weigh the evidence properly; they had misrepresented her testimony; they had relied on a standard of proof that fell far short of 'proven beyond reasonable doubt'; and they had neglected to ensure that she could understand the proceedings.

Swansea must, the OIA said, review its procedures, particularly the standard of proof required, and revisit Jin's case with an entirely new committee of inquiry.

But Swansea had a better idea. Instead of constituting a new committee, they referred the case to the Chair of the committee which had previously convicted Jin. They called this an 'appeal', but she wasn't allowed to participate, or even told that it was taking place. Unsurprisingly, the Chair who had been so severely rebuked by the OIA decided after due consideration (about an hour) that the OIA's criticisms were mistaken and the conviction must stand.

CAFAS advised Jin that this procedure was even more ludicrous than her original conviction, and we prepared another complaint to the OIA, this time based on Swansea's wilful refusal to comply with the OIA's previous findings.

I'm pleased to report that Jin is about to be exonerated. The preliminary OIA report (we don't have the final version yet) indicates that Swansea is likely to be instructed both to set aside their 'guilty' verdict and to pay her compensation.

What can we learn from Jin's case? The good news is that a case like this can be won. The bad news is that, no matter how grossly unjust the treatment you receive, you are unlikely to remedy this unless you have the sort of high-powered support CAFAS provides and are prepared to soldier on, through defeat after defeat at the hands of unscrupulous university bureaucrats. If, as I hope and expect, Jin is finally declared innocent, it will have taken nearly two years to achieve an outcome that ought to have been obvious from the outset. And let's not forget that, for the privilege of staying in Swansea an extra year, she was obliged to pay an additional £8,000 to the university which treated her so despicably.
CW

Barclays Bank, Bush's puppet

Readers of *Update* may recall the case of the Iranian student who brought her problem to us when she found that Barclays was refusing to carry out money transfers between her account with them and her account in Iran.

I've had a lengthy correspondence with Barclays about this. They tried at first to give the impression that they were acting on the directions of the British government or the UN, but they have at last conceded that the agency pulling their strings is in fact the US Treasury. They are blocking transfers between Britain and Iran, they now admit, in compliance with a directive called SDN (Specially Designated National List) issued by OFAC (Office of Foreign Asset Control of the US Treasury).

The US Treasury justifies the ban they are demanding on the basis of the claim, already discredited by US Intelligence, that Iran is preparing weapons of mass destruction. I'm sure I don't need to remind you of the way in which the repetition of a similar falsehood was used to prepare for the invasion of Iraq.

Barclays claim that they have nothing against Iranian staff and students in this country, but it's obvious that these are precisely the ones hit by the block on transactions with Iranian banks.

CAFAS members might like to reflect on the fact that a leading 'British' bank takes its instructions from a foreign government. My own view is that those who have an account with Barclays should transfer their funds to a bank like the Co-op, which doesn't prohibit Iranian transfers, and tell Barclays why they're doing this.

I shall ask the next CAFAS meeting to authorise contacting the UCU to ask them to publicise the issue among union members.

CW

Defending-Academic-Freedom JISCMail List

You can join by going to the Cafas website <http://www.cafas.org.uk> and opening the link

FIGHTING FOR ACADEMIC FREEDOM IN IRELAND

Good news from Ireland. A group of academics have told CAFAS they plan to set up a sister organisation there. Our Co-ordinator will address a founding meeting in Dublin isoon.

OBITUARIES

Professor Gertrude Falk

Professor Gertrude Falk, BSc, PhD passed away on Sunday, 9th March 2008 around 10 pm. She died of lung cancer diagnosed only two months earlier.

Gertrude was born in 1925 and educated in the USA. Before coming to UCL in 1961 initially as a Guggenheim Fellow, she held posts at the University of Chicago, the University of Illinois and the University of Washington. Her research has included studies of the development of kidney function in newborns, how muscle contraction is initiated and, more recently, the signals produced in the retina by light and how they are processed. Her work has been published in journals such as *Nature*, *Science*, *Proceedings of the Royal Society*, *Journal of Physiology* and in a number of books (last publication in 2006). She has been the first woman to hold a chair of Physiology at UCL.

Gertrude was also a mother and a grandmother. She and her then husband Professor Paul Fatt, FRS, had a daughter Ilse, and Gertrude was very proud of Ilse and her 8 year old grandson, and 18 month old granddaughter.

Gertrude, a member of the Labour Party, was very active in AUT (now UCU) Committees, as well as in her favoured charity: British Friends of Neve Shalom~Wahat al-Salam (an Oasis of Peace in a land of conflict) – an organisation supporting a village in Israel established jointly by Palestinian Arabs and Jews, with some fifty families, approximately half Jewish and half Palestinians, in residence and further 300 families on a waiting list.

Recently, she became involved very energetically in a protest against a closure of mental health centres in Camden.

She supported many very effectively, often preserving her anonymity as she did it to help and not to be thanked for.

When we met for the first time Gertrude said: “You will be fine. You are tall.” She certainly was not tall but she had a big brain and even bigger heart. And this is what matters and for which she will be remembered.

Eva Link

Michael Downes

Sadly, Cafas member, Mr Michael Downes passed away 19 February 2008. The next Update will carry a tribute to him.

Dialectics of Independence?

Abstract of a paper given by Ben Cosin at a Conference on Academic Freedom, University of Rouen, 27-28 March 2008. He will present this at the Cafas meeting on 26 April.

Extremism and the pursuit of liberty

Senator Barry Goldwater notoriously praised extremism in the defence of freedom; I ask if the relationship between the two is not more dialectical than Aristotelian (the golden mean).

Europe has dealt with competing extremisms since the late Middle Ages at least; Protestantism and Counter-Reformationism posed equal threats to intellectual, if indeed not to other forms of freedom.

Any successes of Erasmianism resulted from a stalemate; the cooption of the Enlightenment values of intellectual liberty by Protestantisms has been a masterpiece of marketing rather than a valid case.

Trevor Roper's essay in the *European Witch Craze* provides powerful illustrations of this thesis.

Post Civil War England's ruling class tried to contain the destructive forces unleashed by the stubbornness and maladresse of two Stuart kings (Charles I and James II) – the destructive forces of Protestant religious enthusiasm. The penchant of both for alliance with, if not subordination to, the Catholic monarchies of Spain and France impeded the pursuit of moderation. Even in 1780 England's sole serious pogrom - the Gordon riots - targeted the relief of Roman Catholics. The King's view of the anti-Catholic Coronation. Pitt's 1801 attempt to include the developing Irish Catholic bourgeoisie in a comprehensive settlement of progressively self-reducing supervision.

No sooner had Protestant resistance been brushed aside than the ultramontane claims to universal loyalty of Pius IX impacted upon Catholic Ireland and the Church of England, especially its Catholicizing wing in the shape not only of Cardinal Newman but also of his friend and opponent, WE Gladstone. Gladstone's doctrine (both ideological struggle and civil liberty) that I propose as a yardstick for current developments in the new war of the west against Islam/Islamism.

I discuss the British state's proposed supervision, most notably its proposals for self-supervision of universities, from the 'guidance' document of Nov 2006 to the Minister's speeches Nov 2006 and of Nov 2007, the responses of the chiefs of the universities (Universities UK, formerly the committee of Vice-Chancellors and Principals, and the trade union – Universities and colleges Union, formerly association of University Teachers, and consider the implications of the non-occurrence of the debate for which he has called. More broadly I review the extent to which freedom of speech prevails in the UK, by comparison, for example with the USA, and the extent to which Mr Rammell and his colleagues are indeed 'wolves in the clothing of sheep (or of shepherd dogs). His thesis that academic freedom is a tool in the struggle against

'extremism' I argue to be self-defeating. Notably, it corrupts the relationship of teacher and student, for in order to follow it, the teacher must either declare overt hostility to the student's freedom or must deceive him into revealing his true views. Like McCarthyism, the Labourite thesis that the government knows reality best, and better especially than those who teach and research Islam and politics, will prove the self-defeating nature of utilitarianism in the sphere of knowledge.

Ben Cosin

CAFAS Update seeks to provide an open forum for opinion and discussion. Items do not necessarily reflect the views of the Council.

VIEWPOINT

(The articles below are unedited. (Eds.))

Mr. Colwyn Williamson's Obsession with Suresh Deman

In CAFAS Update No. 57, Mr. Williamson wrote a piece entitled, "Deman and company has no place in CAFAS". I was under the impression that he has put his so-called Report in support of his above piece on the website for transparency. However, in spite of my repeated request to put his report in public domain via website or e-mail he failed to do so. It would be a futile exercise to comment on something, which he is not prepared to defend openly. Had Mr Williamson been correct about the facts in his "report" he would not have hesitated to put it on the website so that everyone could read it and comment on its accuracy.

As to his story in CAFAS Update, I am deeply offended by his comment that, "Suresh Deman has a talent for sticking to the point that would drive me to despair if I encountered it in a first-year Logic class". I believe only a white supremacist could make such comments about Suresh as he has no idea about his background, qualifications and logical skills. However, I have known him since 1985 and have very good idea about his achievements because we both were at the University of Pittsburgh when I worked for an eminent Prof. Reuben Slesinger who was a leader of Jewish community in Square Hill in Pittsburgh. Suresh also engaged two Jewish Lawyers in US. Suresh took a number of Ph.D. level courses in Mathematics (including logic), Statistics and Game

Theory with the world renowned Professors, for example, Professors C. R. Rao, Massani, Heath, Alvin Roth and Samuel Zamir. He was also a Teaching Fellow of Professor Slesinger who was incredibly impressed by Suresh. In fact, Professor Slesinger gave evidence on behalf of Suresh in a racial discrimination case against a Zionist Head of the Department, Kevin Sontheimer, and the University of Pittsburgh, which were found guilty of racial discrimination by a Jury (not by an Industrial Jury constituted of a Union & Employers' moppet and puppet). For Suresh's background see, <http://cemkumar.googlepages.com>, on AUT & D. Triesman which CAFAS refused to publish.

Mr Williamson suggested without any hard evidence in his story that Suresh is associated or expressed anti-Semite views. Suresh and I attended an International Conference on Game Theory held in Jerusalem in honour of a well-known Mathematical Game Theorist, Prof. Robert Aumann. We still have photos with Prof. Aumann and his grandchildren playing with my daughter. In fact, three Noble Laureates; namely, Profs Nash (Russell Crowe played his character in "A Beautiful Mind"), Selton and Harnayai attended Suresh's presentation. In fact, Prof. Selton asked Suresh to send a copy of his paper (signed is available), which he cited in his work. Suresh was also asked to referee Prof. Selton's student's papers for publication in the Economic Journal (Royal Economic Society). Suresh was invited to lecture at the Department of Mathematics at the LSE by a Jewish Professor who always enjoyed socialising with us. To eradicate Mr. Williamson's delusion or obsession with anti-Semitism, all the above named Professors are Jewish except Prof. Rao. Suresh also invited a well-known Regional Economist; Professor Beckmann (who is also Jewish) when he was in Japan and his sister is married to a man whose mother was a Jewish married to a well-known Mahatma Gandhiji's associate, Shri. T. K. Mahadevan. Therefore, Mr Williamson's allegations of anti-Semitism are not only misconceived and but are also defamatory because anti-Zionist is not the same thing as anti-Semite as many Jewish academicians stood against Zionism too, for example, Professor Noam Chomsky at the MIT, one of the CAFAS patrons. I am not aware of Mr. Williamson's academic background compared to Suresh but I guess like most UCU activists he also thrived on 50% remission from the teaching with no contribution to RAE.

In the light of Mr. Williamson's comments I have reviewed his past and recent e-mail exchanges with CEM and Suresh in which he has not made even one comment about the failure of the UCU (AUT/NAFTHE) in assisting victims of racial discrimination of which there are many Indians. In fact Mr Williamson and company is not even willing to accept the extent of complaints against the UCU and that it's former constituent was found guilty of racial discrimination and settled a few cases with and without the liability.

Because my association with Suresh I also became a victim of Mr. Mercer and Mr. Goldstorm, former AUT President and Membership Secretary at the QUB and National Treasurer respectively. In fact,

despite the Menon Tribunal's comments, Mr. Triesman has not carried out a proper investigation. To date Mr. Mercer and Jay (lay members of the Belfast Tribunals) and Mr. Goldstorm (under memory therapy) have been denying even receiving any communications in this regard. I have no hesitation in telling that the UCU suffers with racial religious and gender bias as I have seen so many victims approaching CEM and Suresh about their discrimination cases. I also came across similar cases when I was Secretary of India America Society, Civil Rights and can frankly tell that his attitude towards victims of racial discrimination, like the UCU/CAFAS leadership stinks.

Further, Mr. Williamson in his e-mail attributed all the phrases to Suresh, most of which he did not even write. These phrases are commonly used in day-to-day life sarcastically and in the Parliamentary debate and paintings. For example, "Man with Horns", is a well-known Hussain's painting based on Picasso to depict innermost aggression and Noam Chomsky used "...shining the shoes..." to attack American foreign policy in Middle East. One wonders why Mr Williamson is labouring to generate personal vendetta against Suresh? It appears to me that it could be because the University of Wales at Swansea (where Mr. Williamson is persona non Grata) has settled claim with Suresh after harassing him for 5 years and he got nowhere? Thanks to an Iranian Lecturer at Swansea who spilled the beans against Swansea, but he did so only when the Tribunal made an order asking him to provide a copy of his letter to VC exposing discriminatory practices.

Jenny Mayo
Secretary India-America Society, Civil Rights

NAFERIOUS CAMPAIGN AGAINST SURESH DEMAN IN CAFAS UPDATE 57- MR WILLIAMSON'S CALL TO OUST HIM AND THE CEM, IS A ZIONIST CONSPIRACY

Mr Williamson questioned Taiwo Olabisi-Olaleye comments criticising the above story although I informed him of her intention to circulate her views. In fact, she had published an article in CAFAS 57 page two, View Point, "Projection of Fraudulent Practices. She even cited one of Mr Williamson's stories, "Justice in etc." Those who know her well realise that she expresses her own opinions based on her own experiences of the judiciary and is not a mouthpiece for Mr Deman's views. I therefore have to inform Mr Williamson that her article was a constructive criticism from a CAFAS-member/sympathiser. Further, I note from the e-mail and in relation to my own article sent to Ms. Geraldine Thorpe, editor of CAFAS about the unprofessional conduct & racial bias of Justice Elias that both you and Ms Thorpe associate

the use of the word Zionism as a fundamental attack on Jews and the Jewish state. I raise this matter in view that she asked me to provide a copy of the transcript of the judgement in my EAT 3:10 hearing with Justice Elias where he was accused in open Court of being a Member of the Zionist, Labour Party Mafia and subsequently had to recuse himself after exposing his social associations with Mr Michael Scott, Senior solicitor and legal aid purse holder of the UCU. Although Mr. Ali Treasurer of CAFAS, Mr. Sengupta and Mr. Deman (both members of CAFAS) and Mr Andrew Graham were present at the hearing and confirmed in writing the contents of what occurred at the EAT hearing. Ms Thorpe did not publish the story about the conduct of the judiciary in my case because the word Zionism was used, which Mr Justice Elias did not find offensive when raised in Court. After reading the current story in the CAFAS Update I have to consider in view of Mr. Williamson's remarks whether there was a conspiracy not to widely publish my version and my four witnesses version's of events at the EAT. I consider his attack on Mr Deman and the CEM is what Zionism is all about to attack those exposing injustice, by discrediting them by claiming they support, "anti-semitism".

Mr. Williamson asked me in his e-mail, "And if you believe that the CEM is not anti-Semitic, perhaps you would like to explain the fact that a leading CEM official openly identifies with the Nazi' extermination of the Jews". The CEM Coordinator has repeatedly asked him to provide documents or transcript in support of his above claim but he has failed to do so. Anyway in my association with the CEM I have not experienced any physical or abusive verbal attacks on Jews by a member of the CEM and furthermore the Race Relations Act protects discrimination against individuals based on their association and beliefs. The CEM cannot like the UCU state they fight discrimination and then discriminate against their members by denying them the rights of association and legal assistance which the UCU does regularly. Mr Williamson refers to his report but he does not understand the difference between evidence and perception based on delusions and/or obsessions. In fact, Ms Thorpe did not seek a transcript or evidence from Mr Williamson before publishing his story and by her actions have marginalised the fight against racism, in the UCU, judiciary and employers.

For me Zionism, like being a Nazi has nothing to do with being Jewish or of German ethnicity, respectively. Zionism is an ideological belief in regard to the divine right of a race based on ethnicity & inbreeding (association) to discriminate. The Zionist ideology represents the pinnacle of racism because its members exclude and discriminate against all except those who belong due to association. The UK culture normally tries to generalise such a discriminatory regime by associating those privileged individuals to a secret association's, such as the free masons or a private school education. Zionism as used by Mr Deman covers all such associations of discrimination as such represents an ideology of discrimination. Mr Justice Elias in my own appeal at the EAT on being accused of

being a Zionist, stated immediately in his defence that he was not Jewish. However, my Counsel pointed out to Justice Elias that one does not have to be Jewish to support a Zionist Ideology as one does not have to be white to be racist.

Mr Williamson claimed that I had not read his report on Mr Deman. This raises more questions than answers. First why had he singled Mr Deman out for such treatment? Secondly why has Mr. Williamson not devoted one paragraph either admitting and/or criticising the UCU for racial bias in spite of the findings of the tribunals that he puts his faith in. Furthermore the, UCU refused assistance to Mr Deman, Dr. Molhotra, Dr. Qureshi, Ms Delich, Mr. Sharokni, Prof. Vaseghi and myself on the basis that our claims of discrimination had no merit. However, after hearing the evidence the Tribunals found the employers guilty of discrimination as stated. The CEM on its website, <http://cemkumar.googlepages.com> have reported findings against a number of Universities and yet Mr Williamson and the UCU have not said a word in their Newsletter or e-mails about the extent of this problem in the Higher Education, which Mr Deman rightly raised at the EAT and as a result was singled out for penalisation.

I believe the campaign against Mr Deman is part of a damaging conspiracy aimed at attacking those who expose the collusion of the Union, Judiciary and Public Sector employers. The attack on Mr Deman an internationally educated ethnic minority professional who was invited to this country to make up its skill's shortage reminds me of the feedback I have obtained from ethnic minority doctors which have fallen on the BMA's deaf ears. They served the NHS and their consumers the British public faithfully but were denied promotion, opportunity and assistance from their Union and the CRE in their fight for justice. Mr Deman's education was paid for by himself and his extended family, not the British Public like many ethnic minorities who serve the NHS. Why do we therefore feel aggrieved by his victories concerning racial discrimination in view, that he had a less than 5% chance of success and his claims had substantial merits to succeed? The British have always supported the underdog unless they were the Fascist/Nazi or of the Zionist persuasion. However in regard to this campaign I can only consider that a slave mentality still exists amongst some members in regard to ethnic minorities who they consider should be grateful firstly for being given a job and should not question this societies policies. One sees this type of bigotry amongst many of those educated at Oxbridge who on failing to achieve there ambitions, then look at their life and be-moan why others less fortunate proved more able in view of their considerable advantages. Now like those who run this campaign there only role is to stand by and stone those who did what was right which they failed to do and won despite the overriding odds against them in view of the discriminatory nature of society supported by a biased judicial system. See <http://cemkumar.googlepages.com> for Dr.D'Silva's Bumpy ride at the EAT.

Dr C. D'SILVA, Ph. D., FRSC

Are They Racists?

Racism is by definition the irrational hatred for a particular ethnic group (or 'race'), the obsessive conviction that members of this ethnic group are to blame for the ills of society and the setbacks that individuals experience. Racism is a kind of conspiracy theory, but not every conspiracy theory is a form of racism.

Dr D'Silva goes some way towards making the issue clear. He openly advocates a conspiracy theory, the Zionist Conspiracy, but he denies that this is racist.

My report on this topic*, an excerpt from which was published in the last Update, concludes that D'Silva, Deman, their Council for Ethnic Minority ('CEM'), and their various supporters, real or imaginary, are in fact racists; and I said that, since CAFAS is implacably opposed to racism, they should be excluded from membership. D'Silva attributes this proposal to the influence of the Zionist Conspiracy.

Notice that D'Silva doesn't claim to have actually read the report he knows is part of the Zionist Conspiracy, which surely tells us something.

We know from the various statements of D'Silva and his allies that their Zionist Conspiracy has tentacles everywhere: CAFAS is run by Zionists, and so is the UCU, and so are the Tribunals and Courts, and so is the Government.

I don't, then, need to argue with D'Silva about whether he and his friends are conspiracy theorists; they plainly are. The only question is whether they are also racists, and the answer to this question hinges on what they really mean by 'Zionist'.

D'Silva has provided elsewhere an accurate definition of Zionism. It is, he says:

a political movement among Jews, although supported by some non-Jews and not supported by some Jews, which maintains that the Jewish people constitute a nation and are entitled to a national homeland.

I accept this definition, but it prompts me to ask two questions:

* D'Silva and his allies say that the Tribunals and Courts are under the control of 'Zionists'. **If they really mean only that the legal system is controlled by the adherents of a political creed, and not an ethnic group, why do they also describe it as a 'Jewdiciary'?**

* D'Silva and his allies say that the UCU is led by Zionists. **If they really mean only that it is led by the adherents of a political creed, and not an ethnic group, why do they also say that the union's failings derive from its leaders' 'ethnic origins', and that they are 'naming and shaming' such leaders when they point out that they are Jews?**

I don't believe for a moment that the CEM bunch are merely opposed, as I am, to Zionism. I fully accept that the Tribunal system is heavily biased against applicants, especially ethnic minority applicants. But I would never dream of blaming this bias on the alleged fact that 'more than 50% [of Judges] are of Jewish origin'. Nor would I ever dream of objecting to my Tribunal case being conducted by a man 'of Jewish appearance'.

I would never say or think such things because I am not an anti-semitic.

So far as I know, D'Silva and his friends do not claim that the Zionist leadership of CAFAS ever met formally with the Zionists controlling the UCU, the judiciary and the Government to agree on their plan for world domination. It's a pity that there has been no such meeting: the Minutes of it could have been published under the title *The Protocols of Zion*.

The sources of the views I've attributed to these people are all cited in my report, which continues to be readily available: simply ask for it and provide a postal address.

Colwyn Williamson, Co-ordinator

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0790838276

**Demand & Company have no place in Cafas*

Ten years ago...

The following article was published in the former Times Higher Education Supplement, (now THE) on 4 September 1998

The need for an academic ombudsman

John Griffith

Academic institutions are notorious for their internal disputes. Sometimes the arguments are about serious matters. It is not universally true, as Henry Kissinger reportedly said, that the reason academics quarrel so bitterly is because so little is at stake. In recent years all sorts of abuses of power have come to light in universities - bullying, corruption, nepotism, cheating, gagging clauses, etc.

Academic disputes fall into two categories. Either they originate in complaints about conditions of employment, in the broadest sense, or in disciplinary charges brought against individuals which may result in dismissal. The structure of universities does not easily lend itself to the resolution of disputes of either kind. The upholding of a complaint or the dismissal of a charge almost invariably carries with it express or implied criticism of senior academics or senior officials and so is difficult to establish before a tribunal composed largely of such persons.

What academics now need, in my view, is a statutory body with investigatory powers. It might be possible to enlarge the jurisdiction of the Local Government Commission to include universities. Its minimum function would be to ensure that university investigation of particular complaints was properly conducted but it should be empowered in appropriate cases to itself undertake a full enquiry into the substantial issues.

Alternatively, regional commissioners could be made available to operate under the Department of

Education and Employment - ombudsmen to whom academics with grievances could take their complaints with the assurance that they would be fully and fairly investigated.

The current unsatisfactory climate within universities has been building up for some time. In the late 1960s, there occurred a series of incidents involving individuals at Hornsey and Guildford Colleges of Art, at Birmingham University and, most seriously, at the London School of Economics. These and other incidents suggested an increasingly overt threat to academics' freedom of speech, teaching and research. They also marked attempts on the part of the authorities both inside universities and in government to deal with a developing crisis triggered by student protest questioning the character, purpose and management of higher education.

Some of us who were alarmed by the attitude of university authorities to staff and students worked with others in setting up the Council for Academic Freedom and Democracy in 1970. Over the next decade, the Council campaigned and took up a large number of cases throughout the country.

And so to the Education Reform Act 1988 and the ending of tenure. Universities were to be "first and foremost corporate enterprises to which subsidiary units and individual academics were responsible and accountable". The only advance was that, under great pressure, the government agreed to a section in the Act to ensure that academic staff had 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 or privileges".

But, as Ian Gilmour wrote in 1992, "the Thatcherite espousal of market forces was accompanied in the universities by increased state control, thereby further jeopardising the worldwide reputation of British universities.

The Council for Academic Freedom and Democracy gradually ceased to operate during the 1980s. Academics were unwilling to court disfavour when their employers were being required to draw up lists of those whose services might be dispensed with.

By far the most important document of recent times in the context is the Report of the Visitorial Inquiry by Sir Michael Davies on 26 May 1993 into the conduct of the Centre for the Study of Philosophy and Healthcare at the University College of Swansea. Internal disciplinary proceedings had rejected the serious criticisms of the centre by Michael Cohen and Colwyn Williamson, the former being severely reprimanded and the latter recommended for dismissal. The report upheld the criticisms, quashed the convictions, and reinstated Anne Maclean who had been forced into retirement. The case was unique but its subsequent influence has been considerable. There had been, said Sir Michael, "no knowledge or record in the Privy Council office of anything like it in the past". The report amply demonstrated the superiority of the inquisitorial approach.

Sir Michael tellingly referred to a statement made by the principal of the University College, noted in The THES: "If this had happened in a company and I had been managing director, those people (the critics) would have been up the road the moment they kicked up the fuss they did. They would have taken us to an industrial tribunal, but they would have been off the payroll."

The point is, said Sir Michael, that neither the University of Wales nor the University College of Swansea is "a company" in the profitmaking or any other sense.

Because disputes vary so greatly in scope and intensity, no simple reforms are applicable. Complaints will continue to be channelled through grievance procedures within each institution. But some mechanism is needed for their supervision. Disciplinary proceedings which may result in dismissal are reviewable by industrial tribunals but reinstatement is unlikely to follow a favourable verdict.

After the Swansea case, Colwyn Williamson and others set up the Council for Academic Freedom and Standards. The emphasis on standards is a sign of the times. Their investigations have uncovered gagging clauses, plagiarism, misuse of public funds, cheating and corruption, nepotism, authoritarianism, inadequate or ignored procedures at hearings, the targeting of union officials, bullying and much else. Today they represent the best hope for those who find themselves in dispute with university or college management. But perhaps it is time for an alternative.

John Griffith is emeritus professor of public law at the University of London.

This article is on
<http://www.timeshighereducation.co.uk/story.asp?storycode=108884>

NOTICES

April AGM & Meeting

**Saturday 26 April 2008
Room 252**

**Please send nominations for the
Committee to The Secretary, Dr John
Hewitt.**

AGM 1.30

Meeting 2.00pm

Agenda

1. Minutes;
 2. Matters arising;
 3. Academic Freedom: presentation - Ben Cosin
 4. Case work
 5. AOB
- Officers' meeting in Room 252 at 12.30 pm**

Next Meeting

Saturday 26 July 2008 Room tba

**Birkbeck College, Malet Street,
London WC1**

SUBSCRIPTION

Dear Members

**Some of you have forgotten to pay your
membership fee.**

**Could you please be kind enough to
check the date of your last payment on the
address label? If you should find there "****"
or "****!!!" could you please send a cheque
without further delay as your contribution is
absolutely crucial to the well being of CAFAS.**

**Many thanks for your contribution.
Your Treasurer and Membership Secretary
Eva Link
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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. CAFAS was founded in February 1994. It depends on subscriptions and an active membership. It meets in January, April, July and October.

Next deadline 6 July 2008

Please send letters, news items and articles to:
 Pat Brady & Geraldine Thorpe

Cafas Reports

Details are on www.cafas.org.uk

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 organisation 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. Contact: the Membership Secretary to join. Contact the Coordinator for a speaker.