

CAFAS Update No. 62

9 April 2009

Council for Academic Freedom & Academic Standards

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

AGM & Meeting:

Saturday 25 April 2009

1.30 pm AGM

2.00pm Meeting

Room 313

Birkbeck College

Malet Street

London WC1

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

The impact of neo-liberal educational policies?

Summary

Over the last two years I have sought to pursue a claim through the Employment Tribunal against my former employer Nottingham Trent University following my dismissal at the end of 2006. The case continues through review and possibly appeal following a recent judgment at a Pre-Hearing Review and a series of earlier appearances at the Tribunal from June 2007.

The remaining claim at the Tribunal relates to continuing acts of detriment that I believe I was subjected to by the University arising from public interest disclosures that I made both in the course of my academic research work and also through my role as an elected trade union health and safety representative.

The case

Over the last two years I have sought to pursue a claim through the Employment Tribunal against my former employer Nottingham Trent University following my dismissal in October 2006. The case continues through review and possibly appeal following a judgment striking out of my remaining claim at the Pre-Hearing Review on 9th February 2009 after a long and exhausting series of appearances at the Tribunal from June 2007. What follows is a digest of some of my experiences relating to my Tribunal case which hopefully might be of interest and value to others.

I joined Nottingham Trent University (nee Nottingham Polytechnic) in November 1985 fresh from a 'cutting edge' role in high technology production at Plessey Office Systems in Beeston, Nottingham which had centred on the adoption of the new industrial robot technology to sustain

local production in the face of severe competition arising out of the privatisation of UK public telecommunications. The demands of the industrial role were pretty extreme and the prospect of an opportunity to read, reflect and research in an academic environment had made the transition very appealing.

In fact the reality of the academic role at the Polytechnic was rather different from the expectation – huge teaching commitments and limited resources meant that the work was as intensive as the industrial role and sustained over longer periods. The neo-liberal market globalisation process was about to 'take-off' with a massive transfer of manufacturing capacity to the developing world. As one of the biggest manufacturing engineering departments, it soon became apparent that any future development was to be directed at these 'market opportunities'. The adoption of an enterprise culture and associated values helped to drive through constant change with ever increasing intensification of work to respond to the new market based agendas.

The impacts of long term intensive work soon became apparent as three senior colleagues were admitted for by-pass heart surgery in quick succession. On my ambulance trip from the Polytechnic to the local A&E department it became clear to me that there must be a better way than this. I became interested in the nature of the new technologies and of the health impacts arising from their adoption. The pioneering work of the Lucas workers in developing human-centred systems and socially useful production in response to the new micro-electronic technologies became an inspiration for my academic work and I became active in my local NATFHE branch as an elected health and safety representative. I eventually became the co-ordinator of a team of five other elected Health and Safety reps. Work-related stress was the primary concern – lecturers were seen to be 'at risk' of serious illness in a number of national surveys at this time.

The Polytechnic became Nottingham Trent University in 1992. Shortly after incorporation, the University parted company with the Pro-Vice Chancellor with responsibility for health and safety (rumours of whistle blowing) and also removed the openly elected academic seat on the Board of Governors. Nottingham Trent University has for long periods been the only University in the UK to not have any openly elected academic representatives on its governing board. From 1992

the new management appeared to seek to accelerate the enterprise culture and 'modernisation'. There was a brief respite after the election of 1997, but a resumption of the same processes, only this time with rather different language and softer rhetoric, soon followed. During the respite the University agreed to work collaboratively with representatives on the safety committee to jointly develop a policy to address work-related stress – this followed shortly after the publication of the results of a NATFHE survey of academics at the University. The joint working continued for about two years and culminated in an agreed policy in 2000. At least we thought it had been agreed, shortly after the departure of the two senior management staff who had led the University side of the 'collaborative process', the status of the new policy became a matter of fierce debate. From late 1999 I was subject to a series of various challenges around my academic work, research work and administrative work by my managers – this coincided with the work-related stress policy development and also with a redundancy exercise where my position had been placed 'at risk'. My trade union official wrote formally to the University in March 2000 expressing concern as to possible evidence of victimisation of me as a consequence of my work as an elected health and safety representative.

My research interests in human-centred systems led to my involvement with a European Project (SUNREG) co-ordinated by the Centre for Alternative Industrial and Technological Systems (CAITS) and looking to address inequalities arising from development patterns across European regions through the exploitation of new technologies. In the course of this project the CAITS co-ordinator (Dr Colin Randall – based in Sheffield) 'disappeared' in odd circumstances – tragically, his body was eventually found after a period of approximately 18 months. For some months I became de-facto co-ordinator at a time when a substantial sum of project funding (~£250k) had 'disappeared' in the process of a seemingly straight-forward bank transfer in the UK – this was not established/acknowledged for some months. This was a deeply disturbing experience.

The arrival of a new director of Human Resources in 2001 signalled a new approach to management at the University – it was understood that the new director had strong support from the new chair of the board of Governors. What followed was to my mind an intensification of the industrialisation of

management and academic processes. My relationship with the new director of HR was very difficult from the start. It came to a head when she chaired the first safety committee in September 2001 and expressed her concern that we (elected academic safety representatives) were failing to co-operate with the management agenda in the spirit that she would wish to see.

In December 2001 I was subject to a very aggressive and intensive appraisal by my line manager which took place over three sittings and lasted for over 4.5 hours. Subsequently my teaching load was redirected to work that was technologically intensive and outside of my areas of knowledge and expertise. I believe that the appraisal was triggered by the incidents at the Safety Committee. The report of the appraisal meetings was finally signed by my line manager in January 2003 after a long and challenging set of negotiations and many challenging episodes of what I consider to be fairly extreme bullying and harassment.

At the branch elections in May 2002 I lost my role on the branch committee and my position as health and safety representative. I understand that the branch were put under pressure by the Director of HR following repeated heated arguments as to the status of the stress policy and also by my submission of a very critical report on the effectiveness of the management of health and safety to the University Safety Committee earlier that month. I believe that the situation was such that the new management would no longer tolerate challenge through the Health and Safety Committee – in the circumstances my position was effectively untenable. Unusually though, I retained an elected role on the union Regional Executive until 2006.

From the start of the new academic term in September 2002, I was the subject of a series of student complaints which quickly led to intense pressure from my line manager. I have since learned that at this time my line-manager wrote to the Director of HR asking whether he could sack me or withdraw me from my teaching duties – prior to making me aware of any notion that there were complaints.

In November 2002 my home was subject to a series of violent attacks and a second incident that year of arson to my car, this time while parked outside my house. Coincidentally, following the loss of my second car my line manager wrote to

my trade union representative stating that my mental health was now of such concern that I should seek retirement on ill-health grounds. My sense at that time was that the violence at home was somehow connected to what was happening at the University – I reported this to the Police but no action was taken.

Late on the evening of 20th March 2003 I was subject to a violent attack by three youths while walking back to my home – I received a heavy blow to my right eye which resulted in the fracture of the eye socket and the displacement of my eye. While convalescing I received notice that my position was again at risk in a new round of restructuring and then shortly afterwards an email from my line manager notifying me that I was to be withdrawn from the majority of my teaching further to student complaints (which turned out to be those received in 2002). I was clearly in jeopardy of losing my job. I returned to work to be faced with a new series of allegations, complaints and other issues. I managed to retain my position after a great deal of effort. I was forced to take long term sickness absence from October 2003 – April 2004. I was diagnosed as suffering from Post Traumatic Stress Syndrome arising from the assault in December 2003 and also had major surgery to correct my vision at around this time.

My return to work in April 2004 was at a time of further reorganisation at the University. I made clear at the time that I wanted to avoid any repetition of the earlier situation during interviews with occupational health and my new line manager. Unfortunately the re-organisation meant that it was not possible to sustain this and consequently my direct line management included one of the principle protagonists of the earlier harassment episodes.

I was given a heavy teaching load at the start of the 2004/5 academic year with all of the technological work from which I was to be withdrawn in March 2003 together with totally new qualitative subjects relating to Design Studies. I was given little or no support and the preparation required was very demanding.

At the start of the 2005/6 academic year notice was given of the threat of further redundancies. The redundancies related to the courses from which I had been effectively withdrawn following the appraisal in 2001 and I made clear that there

could be no reasonable objective basis for my inclusion in the new 'at risk' group.

Following the industrial action in March 2006 – I was accused of gross misconduct as a result of distributing copies of a well known article by Jack London. I was subjected to a long and drawn out disciplinary process which was concurrent with the end of year assessment process and very demanding. Consequently, I was placed on a final warning – this after 21 years without any previous disciplinary action against me. The finding was an unprecedented and clearly a disproportionate response to an impulse which although regrettable actually amounted to no more than the distribution of a recognised text to academics in a 'modern' university.

I believe that the disciplinary action was taken against me in response to my series of complaints to management concerning the re-organisation of under-graduate courses. The re-organisation process appeared to put little emphasis on academic development but rather be driven to match the preferred strategy for the concurrent restructuring/redundancy process. In the event my written complaints were never properly addressed by management, instead they were displaced by the intense and drawn-out disciplinary process.

Just before the conclusion of the Gross Misconduct hearing process in July 2006 I was accused of bullying and harassment from alleged incidents dating back to April 2006 and events around the course re-organisation process. The basis of the harassment charge was that I was critical of the way meetings were being recorded in minutes/notes – the claim against me was made by the administrative officer attending meetings. I am clear that my criticisms were directed at the meeting chair and of the material content of the minutes/notes, rather than anything to do with the administrative officer.

Immediately after contesting the basis of the gross misconduct finding through an appeal process to the Board of Governors over the summer of 2006, I was then confronted with an immediate notice of redundancy/dismissal. I did again contest the basis of my redundancy but I believe I was effectively forced to take a settlement in face of the prospect of dismissal. At this time I was aware that I was becoming very unwell as a result of the sustained harassment.

In the circumstances I was advised by my union to take the voluntary redundancy package. I eventually accepted the package but with qualifications – without prejudice, to my expressed concerns about the circumstances of the redundancy and on the basis that the process I was being subjected to was making me ill. The dismissal was to be effective from 10th October 2006.

On 17th October 2006 I wrote to the head of HR to ask for information to enable me to appeal the redundancy. On the 25th October the head of HR wrote to me to say that she had withdrawn the redundancy package pending the appeal. From this time on I was very concerned that I may be effectively back in employment and possibly subject to a further disciplinary action with the prospect of immediate dismissal without compensation. On 9th November I agreed that I did not wish to pursue an appeal.

I learned in January 2007 that the University appeared to be not co-operating with requests for information from the Criminal Injuries Compensation Authority to support my claim arising from the violent assault.

I am currently working to re-instate my remaining claim at the Tribunal. This relates to continuing acts of detriment that I believe I was subjected to by the University arising from public interest disclosures made by me both through my academic research work and through my role as an elected trade union representative.

The Tribunal process has been long and arduous and, since the University has been represented by a very capable legal partnership with access to the very best advice (at some considerable cost, no doubt), rather unbalanced. After more than two years since my grievance was first submitted I am fighting for the opportunity for the substantive arguments to be heard. I believe that the case can be made.

Ian Hewitt
Ian.Hewitt@phonecoop.coop

30 March 2009

The UCU's recent statement on academic freedom is reproduced below. The website address is at the end.

University and College Union Statement

Academic freedom

Growing concerns about the threats to free academic inquiry and opinion have prompted the UCU to publish a statement on academic freedom.

Introduction

Twenty years have passed since the 1988 Education Reform Act established the legal right of academics in the UK '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 the privileges they may have'. However, the University and College Union (UCU) believes that the freedoms to conduct research, teach, speak, and publish without interference or penalty, are increasingly under threat in UK universities and colleges.

Some of these threats stem from the changing nature of funding for UK research, in particular the dominance of the Research Assessment Exercise, the economic approach of the Research Councils and growing pressures on academics to seek commercial sponsorship. Increasingly selective research funding puts pressure on academics to research in particular national priority areas, while commercialisation of research can restrict the timely dissemination of research findings into the public domain.

Legitimate inquiry and scholarship have also suffered as a result of the introduction of anti-terrorism legislation. There is a growing climate of self-censorship on campus as well as a sense that some issues, particularly relating to security and anti-terrorism, are "too hot to handle". The recent arrests at the University of Nottingham raise major questions about just what kind of research is admissible, who should be allowed to carry it out and how this process is to be 'policed'.

Nor is this a problem simply affecting research and scholarship in higher education. We are concerned at the number of instances in which the academic judgments of educational professionals

have been over-turned by management for non-educational reasons. Education professionals must have the ability to make decisions on students without fear of reprisal or penalty.

Growing concerns about the threats to free academic inquiry and opinion have prompted the UCU to publish our own statement on academic freedom. Drawing upon the 1997 UNESCO recommendation on the status of higher education teaching personnel, as well as work done by one of our sister trade unions (the Canadian Association of University Teachers), the following statement seeks to outline the core principles of academic freedom.

January 2009

UCU statement on academic freedom

1. One of the purposes of post-compulsory education is to serve the public interest through extending knowledge and understanding and fostering critical thinking and expression in staff and students, and then in society more widely. Academic freedom is essential to the achieving these ends and therefore to the development of a civilised democracy.
2. Academic freedom includes the right(s) to:
 - * freedom in teaching and discussion;
 - * freedom in carrying out research without commercial or political interference;
 - * freedom to disseminate and publish one's research findings;
 - * freedom from institutional censorship, including the right to express one's opinion publicly about the institution or the education system in which one works; and
 - * freedom to participate in professional and representative academic bodies, including trade unions.
3. Academic freedom is also bound up with broader civil liberties and human rights. Higher and further education staff have the right to freedom of thought, conscience, religion, opinion, expression, association and assembly. Staff must not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through free expression of opinion on matters of public interest. We recognise that this may touch upon sensitive or controversial issues.

4. Academic freedom also comes with the responsibility to respect the democratic rights and freedoms of others. In particular, the University and College Union (UCU) expects all its members to respect national rule 6.1.*

5. Academic freedom requires the development of open, democratic and collegial forms of institutional governance, including access to proper whistleblowing procedures. UCU believes that academic and academic-related staff must play the pre-eminent role in determining the curriculum, assessment standards and research priorities. Academic freedom means that academic and academic-related staff should also have the right to elect a majority of representatives to academic bodies (Senates, Academic Boards etc) within their college or university, as well inclusion on governing bodies. Collegial decision-making should encompass decisions regarding curricula, research, administration, outreach and community work, the allocation of resources and other related activities.

6. Academic and academic-related staff must be free to criticise and publish without fear for their jobs. Academic freedom, therefore, is dependent upon proper employment conditions for higher and further education staff. Security of employment in the profession constitutes one of the major procedural safeguards of academic freedom and against arbitrary decisions by managements and funders.

*Rule 6.1: All members and student members...shall refrain from all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age or other status or personal characteristic.

<http://www.ucu.org.uk/index.cfm?articleid=3672>

MEETINGS 2008-09

25 April 2009 - room 313
4 July 2009 - room 313

PROPOSAL

That CAFAS commissions a report on how satisfactory or unsatisfactory
AUT/NATFHE/UCU members find their union's provisions for legal assistance, to be initiated by soliciting CAFAS members experiences in the next Update; and that such a report be distributed to the press and to UCU branches,

That it shall be undertaken by Aubrey Blumsohn and Colwyn Williamson, with advice from Eric Barendt.

Proposed: Colwyn Williamson

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

**17 Highcliffe,
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NOTICES

April AGM & Meeting

Saturday 25 April 2009
Room 313

**Please send nominations for the
Committee to The Secretary,
Ben Cosin, Brcosin1926@yahoo.co.uk**

AGM 1.30
Meeting 2.00pm
Agenda

- 1. Minutes;**
 - 2. Matters arising;**
 - 3. Academic Freedom: the future of Cafas**
 - 4. Proposal: Colwyn Williamson**
 - 5. AOB**
- Officers' meeting in Room 252 at 12.30 pm**

Cafas Reports

Details are on www.cafas.org.uk

Committee

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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 September/October.

Next deadline: 4 June 2009

Please send letters, news items and articles to:
Pat Brady patrickbrady@talktalk.net & Geraldine
Thorpe thorpegm@gmail.com

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.

**Membership Secretary & Treasurer: Dr Eva Link, 17 Highcliffe, Clivedon Court, London W13 8DP
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**If you would like a speaker from CAFAS to address a branch meeting, contact Colwyn Williamson,
colwynwilliamson@hotmail.com; 07970 838 276**

www.cafas.org.uk

