

# *CAFAS Update No. 72*

*10 April 2012*

*Council for Academic Freedom & Academic Standards*

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

*AGM and Meeting:*

*Saturday 21 April 2012*

*1.30 pm*

*Room 254*

*Birkbeck College*

*Malet Street*

*London WC1*

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

## **Case Report**

James Luchte came to CAFAS for help just before Christmas. A philosophy lecturer in Trinity Saint David, a new Welsh university formed by amalgamating two colleges, one based in Carmarthen, the other in Lampeter, he had had been suspended since October, and was on the edge of being sacked. The Tribunal to consider the charges against him was timetabled for the end of January. His principal 'offences' were said to be that he had expressed his own philosophical opinions in his classes and had made what were deemed to be disrespectful comments on religion.

Trinity Saint David's stated mission is to propagate teaching and learning in a manner that is 'influenced' by the university's 'bilingual corporate life and Anglican Christian tradition'. One issue in this case, then, was whether academic freedom could be reconciled with this religious objective.

It was immediately apparent that, as so often happens, the procedure the university had followed in suspending and prosecuting James bore no resemblance to its statutes and regulations. Slightly (but only slightly) more surprising was that the UCU was doing nothing to derail the process of sacking James. In Trinity Saint David there are no union officers, and the last branch meeting took place in

March 2011; and the union's regional office in Bridgend does not appear to have introduced any special measures to protect UCU members during the period when they have no local representatives.

On 11 January, only twenty days before James was very likely to be sacked, I wrote to Phil Markham, the UCU's 'regional support official', stressing the utmost urgency of the situation, asking him to take prompt action on James' behalf, and listing a series of important points he could raise with the university. The strategy I described was ultimately to prove to be the one that saved James' job. I even suggested that, should the regional office be unable to deal with the case, Swansea UCU would be prepared to take on the task. But Markham refused to respond in any way.

Whether from indolence or indifference I cannot tell, but the UCU regional officers were unwilling to act, even if I did the groundwork for them. James was therefore left with no alternative but to have CAFAS represent him.

There then ensued a series of lengthy exchanges between CAFAS and Trinity Saint David in which I confronted the university with the considerable number of ways in which they had acted unlawfully and in breach of their regulations. This led, first, to delay of a month in the Tribunal hearing, then to the offer of a meeting with the Vice-Chancellor. At this meeting, it was quickly agreed

that the proceedings against James would be dropped and he would be immediately reinstated.

In summary: a victory for CAFAS but one which leaves a nasty taste in the mouth about the role of the UCU.

**Colwyn Williamson**  
Case Coordinator

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## CAFAS INQUIRY

The CAFAS inquiry into the treatment of academic freedom at the University of Nottingham from May 2008 until the suspension and proceedings to dismiss Rod Thornton in 2011 should be held in the spring this year, probably in May.

This is somewhat later than anticipated, but Sir Henry Brooke, chair of the Inquiry Team (the other members are Professor John Pickering and Dr Colin Thompson) thought it difficult to convene the inquiry for any oral hearings until May.

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## Britain Should Not Fall Behind in Welcoming Foreign Students

**Dr Amir A Majid**  
DCL, Barrister, Immigration Judge (p/t)

Last year, on 12 January 2011, when addressing the High Court Lahore, Pakistan, on “Migrants are good for the West” I made two specific points. First, like many other foreign Nobel laureates, the only Pakistani Nobel Laureate, Oxford-graduate Abdus Salam (1926-1996) was a migrant to the UK. Commendably, he gave his Nobel Prize money to a fund for the welfare of students and was a Professor in Theoretical Physics at the Imperial College, London, until his death. Second, Lord Charlie Falconer, at that time the UK Lord Chancellor and the Secretary of State for Constitutional Affairs, addressing the Council of Immigration Judges, at the Honorable Society of Middle Temple, 25 May 2004, said in monetary terms, visitors from the non-EU countries contributed some £7 billion to the economy in 2002 and they enriched our society in various ways.

I fully agree with the Home Secretary, Ms Theresa May, that rather than education “immigration” is being sold to enable some individuals to enter the UK for work, pretending to be students. However, to penalize the genuine students can never be fair. When visiting Pakistan, a man told me, “I wish my son to be educated in the UK and I

am willing to beg, borrow or steal to fund his education.”

I found the father’s commitment to the welfare of the son laudable. The British immigration system should not make it difficult for him to support his son generously to advance his education.

One cannot ignore the public interest in supporting the enrolment and retention of foreign students. It is now established law, as predicated by *Pepper v. Hart* [1993], that judges may refer to Hansard as a guide to interpretation of legislation. Earl Attlee, Government Spokesperson for the Home Office in the House of Lords on 15 February 2011, expressed the present policy of the Government thus, “We are clear that we are not targeting genuine students at universities. The measures that we propose will ensure that the system is more selective for the brightest and the best. We will protect the areas that pose the least risk, including the universities sector, target the areas where risk of abuse is highest and ensure that genuine students will still be able to study at our world-renowned universities... International students are vital for our trade position and for our soft power position.”

The above policy of the current Government was further supported by Mr Jeremy Browne, FCO Minister of State with responsibility for public diplomacy. He said in the Home Affairs Committee, on 17 March 2011, “I am an extremely enthusiastic supporter of the premise that you have just put ... we have all kinds of influence, which is beyond our economic strength, and one of those, possibly the greatest of all, is the reputation of our universities and broader education sector, and this gives us a huge amount of influence and goodwill and friendship and we must... cheer it: We must not put that at risk.”

It is clear from the debate in the House of Lords on “Visas: International Students”, 21 February 2007, that the foreign students are also welcomed to these shores by the Labour Party. In that debate, whilst fully conscious of the risk that “managed migration” is not undermined by improper entry as a student, the participants in the debate were clear that nothing should be done to the detriment of the UK academic institutions to attract foreign students in this competitive market. Baroness Royall of Blaisdon (Baronesses in Waiting, HM Household) said, “My Lords, the government believe that the new points-based system will enable us to achieve our aim of attracting a further 100,000 students by 2011 because the system will be much swifter and more transparent and will enable more bona fide students to come to this country. We believe that it is a win-win situation for students, for the academic institutions and for this country.”

The purpose of extension of educational opportunities to foreign students is to allow them to furnish themselves with advanced skills developed in various fields in the UK. This is beneficial to the image of the UK and the welfare of developing

countries. On 9 April 2008 in the case of Obed and others v. SSHD [2008], hearing the grievances of eight students, in paragraph 3 the Court of Appeal held, “In our judgment, the grant of clearance to enter the United Kingdom as a student does not confine the entrant to a single course of study, and failing an examination does not always negate satisfactory progress.” Then the CA made excellent remarks to welcome the students from other countries; in paragraph 4 of its judgment it said:-

“Before we turn in detail to our reasons, it is relevant to recall that the admission of foreign nationals to study here is not an act of grace. Not only does it help to maintain English as the world’s principal language of commerce, law and science; it furnishes a source of revenue (at rates which, by virtue of an exemption from the Race Relations Act 1976, substantially exceed those paid by home students) of frequently critical budgetary importance to the United Kingdom’s universities and colleges as well as to many independent schools. We therefore find it unsurprising that the legislation and rules, correctly construed, do not place arbitrary or unnecessary restrictions on what foreign students can study here. It does not require evidence to remind us that it is not uncommon for a student to realise that he or she has made an unwise choice, or perhaps is being poorly taught, and to change courses or institutions with beneficial results. A rule preventing students from making such a change might well be arbitrary or unnecessary in the absence of case-specific reasons.”

The permission to work limitedly in the term time, and more in non-term time, enables students of modest background to have a comfortable life in their student days in Britain. Thus I must implore Madam May and the elite of the Coalition Government that the “right to work” for the genuine students should not be curtailed further in the new immigration changes. Otherwise, we will be in danger of losing our second place in the global provision of education. This point has also been made in a BBC interview by the British Council during an appearance by its officers in February 2012. The British Council, conscious of the British status of a provider of advanced education in the world, has specifically said that “right to work” is an attractive right for the students to choose the United Kingdom over other countries like the U S.

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## The Practice of doctoring

More than one in 10 scientists or doctors has witnessed colleagues intentionally altering or fabricating data to get published or during their research, a poll suggested.

The survey of almost 2800 experts in the UK also found that 6 per cent knew of possible research misconduct at their institution that has not been

properly investigated. The poll, for the British Medical Journal (BMJ), is being presented at a meeting aimed at tackling research misconduct in the UK.

Dr Fiona Godlee, BMJ editor in chief said: “While our survey can’t provide a true extent of how much research misconduct there is in the UK, it does show that there is a substantial number of cases and that UK institutes are failing to investigate adequately, if at all.”

Published on Friday 13 January 2012 in ‘I, the essential daily briefing’ in *The Independent*.

Contributed to *Cafas Update* by MB Ali

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## Obituary

### Professor Sir Michael Dummett

27 June 1925 – 27 December 2011

#### CAFAS Patron

Michael (Professor Sir Michael) Dummett) was a great authority for me in all three of my main interests, philosophical logic, academic freedom, and the fight against racism. He was the leading interpreter and critic of the work of Frege, and his several books on this are an indispensable contribution to understanding the development of analytic philosophy from Frege, through Russell, to Wittgenstein.

Along with his wife Ann, also an anti-racist activist, Michael devoted a great deal of his energy to campaigning against the injustices inflicted on immigrants and refugees, a topic on which he also published a book. The central theme of his thinking on immigration, that opposition to it is based on racism, is still as relevant today as when he began to argue it from the late 1960s onwards.

Michael was acutely aware, again from an early stage, of the nature of the decline in British higher education, which he saw as arising from the impact of market values and practices. A crucial aspect of this impact is the essentially capitalist idea that education must have a quantifiable output. Michael addressed this issue in a beautiful article published in the Times Higher called 'Socrates and the Market Place', where he pointed out that the great philosopher, had he been employed by a modern

British university, would have been sacked for not publishing.

Michael was a staunch supporter of CAFAS from before it had even been founded. The obituary writers have stressed his commitment to academic standards. Less well noted has been the value he attached to academic freedom. Mike Cohen and I originally intended to launch a campaigning organisation called CASAF (the Council for Academic Standards and Academic Freedom). It was Michael Dummett who argued strenuously that Freedom is even more important than Standards and that this priority should be acknowledged in our title.

We have, in the space of only some eighteen months, lost both John Griffith and Michael Dummett, the two men who most inspired the ideals on which CAFAS was founded. It is some consolation to reflect that both lived lives that were eminently worth living.

**Colwyn Williamson**

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We owe a special word of thanks to Professor Sir Michael Dummett for his intervention on our behalf in our cases of opposing redundancy at the former London Guildhall University, now part of London Metropolitan University. In a letter (8 May 1997) to the Chair of Governors, the late Lord Limerick, he pursued the issue of academic freedom (a central issue in our cases).

Sir Michael said, 'You will appreciate that, at a time when legislation has made it far easier for university teachers to be dismissed, all those who have given their lives to university education are deeply concerned that academic freedom should not, in these new circumstances, be violated. If it is not maintained, the country would do better, in my opinion, to have no universities at all; for a university at which those who teach and carry out research are not free to say what they sincerely believe to be true, however misguided their beliefs may be, can only do far more harm than good.'

His comments in his letters, including those on the issue of procedures, were just as relevant to the cases of two colleagues who had also been targeted for redundancy. In the same letter to Lord Limerick, Sir Michael continued:

'I am writing to you on this occasion because the Council for Academic Freedom and Academic Standards has provided me with further information... I understand that all four were informed in February of this year that they were declared redundant under the disciplinary bye-law; and further that no regulations governing redundancy and approved by the Board whose Chairman you are existed in November 1996. ... Plainly, if universities interpret their power to declare university teachers redundant as licensing them to do so on disciplinary

grounds, academic freedom is very seriously threatened: especially is this so when the alleged disciplinary offences consist in the expression of opinion.'

In our view, Sir Michael's intervention was an important factor in our reinstatement to our posts at London Guildhall University. Colwyn Williamson of Cafas, with the blessing of our NATFHE branch, represented us successfully in our appeals against dismissal.

**Patrick Brady & Geraldine Thorpe**

Some of the tributes to Professor Sir Michael Dummett can be found at:

28.12.11 *The Guardian*  
28.12.11 *The Telegraph*  
24.01.12 *The Independent*

See also the website of the Philosophy Department, University of Oxford:  
[http://www.philosophy.ox.ac.uk/news\\_events/older\\_news/in\\_memoriam\\_michael\\_dummett\\_1925-2011](http://www.philosophy.ox.ac.uk/news_events/older_news/in_memoriam_michael_dummett_1925-2011)

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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.***

**Access defending-academic-freedom list on [www.cafas.org.uk](http://www.cafas.org.uk)**

## **NOTICES**

**AGM & Meeting 1.30pm  
21 April 2012**

**Room 254 Birkbeck College**

**Please send nominations for the Committee to the Secretary, Ben Cosin.**

## **AGM**

- 1. Apologies**
- 2. Minutes**
- 3. Officers' reports**
- 4. Elections**

- 1. Minutes**
- 2. Matters arising**
- 3. Nottingham Inquiry**
- 4. Academic Freedom**
- 6. Campaigns**
- 7. Casework**
- 8. AOB**

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## **Cafas Reports**

Details are on [www.cafas.org.uk](http://www.cafas.org.uk)

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## **Committee**

### **Co-Chairs:**

#### **John Fernandes**

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#### **Rashid Mehmood**

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### **Health & Safety**

#### **Ian Hewitt**

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### **Founding Members**

Michael Cohen

Colwyn Williamson

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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 September/October.

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## **Next deadline: 1 June 2012**

Please send letters, news items and articles to:  
Pat Brady [patrick.brady28@googlemail.com](mailto:patrick.brady28@googlemail.com) &  
Geraldine Thorpe [thorpegm@googlemail.com](mailto:thorpegm@googlemail.com)

### **Meetings 2012**

**21 April 2012**

**23 June 2012.**

**All in room 254, Birkbeck  
College**

