

CAFAS Update No. 56

8 October 2007

Council for Academic Freedom & Academic Standards

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

Next Meeting:

*Saturday 20 October 2007
2.00pm
Room B23
Birkbeck College
Malet Street
London WC1*

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

Nadeem Ahmed & the University of Oxford

2nd October 2007

‘Following the damning indictment of the University of Oxford by the Court of Appeal over examinations that were flawed both "intellectually" and "procedurally" on the MPhil Course in Medieval Arabic Thought, the University administration has failed to implement any direct remedial action in terms of the appointment of an official supervisor for Mr. Ahmed from among the current members of the University congregation notwithstanding the sustained informal support and encouragement received from Sir Michael Dummett, recipient of the Queen's Knighthood for services to philosophy and racial justice. In relation to the latter but not the former, Mr. Ahmed would like

to acknowledge a significant debt but sincerely hopes that the Senior University authority [the Vice-Chancellor and Congregation] will officially acknowledge that the long-term effects of delay caused to Mr. Ahmed, through failing to restore and maintain his dignity and academic well-being as an esteemed member of the University, as a person entitled to same degree of academic freedom shown to all recognized members, continues to undermine the University's unjustifiable counter claim that the consequences of procedurally and intellectually flawed examinations have not been to Mr. Ahmed's profound intellectual detriment.’

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Defending-Academic-Freedom JISCMail List

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

LETTER

Doubt over existence of Essex 'Closed File Policy' raises question of misinformation

25 September 2007

Ms Joanna Ruffle, is currently Southend-on-Sea Assistant Director HR Services. Sir Teddy Taylor was the local MP for Rochford & Southend East.

In response to a written request from Sir Teddy Taylor – done in an attempt to help me - Ms Ruffle claimed that Essex County Council (ECC) had a closed file policy that allowed Southend-on-Sea Cecil Jones High School Head teacher Mr Robert P Hellen to deny me access to my personal file at the school. After a long investigation it became clear that there was no such policy.

Westcliff-on-Sea St Bernard's High School was not aware of the existence of a closed file policy. Yet Ms Ruffle wrote on Monday 04 July 2005 the following: 'The closed file policy was a countrywide 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.'

The matter was brought formally to the attention of ECC Officers Dr Carey Bennet and Mr Philip M Roberts. Mr Roberts in an e-mail to me on Monday 27 June 2005, stated: 'We have never operated or commended a 'closed file' policy.'

I asked Ms Ruffle for her reasons for misinforming my local MP. She wrote back on Monday 16 July 2007 the following: 'I am unable to comment on the contents of your letter and I will not be corresponding any further with you on this issue.'

I wrote to Sir Teddy Taylor on Friday 07 September 2007 asking whether he had received an apology from Ms Ruffle for having been misinformed about Essex closed file policy.

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Cc: Cllr Mrs Elizabeth A Day
Dr Carey Bennet
Ms Joanna C Ruffle
Sir Teddy Taylor
St Bernard's High School Chairman
Mr Philip M Roberts
Mr Robert P Hellen

8 October 2007-

UK lowest on freedom list

Louise Radnofsky

Published: 28 September 2007

The UK is the worst country in Europe for supporting and protecting academic freedom and free speech, according to a new research paper, writes Louise Radnofsky.

Britain is "the sick man of Europe" for academic freedom, lagging behind 23 European Union countries, according to the paper from Lincoln University.

The UK suffers because academics have comparatively weak job protection, more limited self-governance and, in particular, because the UK lacks formal guarantees of freedom of expression or academic freedom, the paper says. But it was argued this week that this fails to take into account strong cultural protections not explicitly set out in laws.

The research was carried out by Terence Karran, a researcher at Lincoln's Centre for Educational Research and Development. He studied legal provisions in 23 EU members, and graded countries' provisions as "high", "medium" or "low".

Spain, Slovenia, the Czech Republic, Hungary and Finland came out best, with the UK at the bottom of the table. "In terms of the health of academic freedom, the UK is clearly the sick man of Europe," Dr Karran wrote in a Higher Education Policy paper presenting his findings.

He blamed "the (apparent) need for greater managerial professionalism, both as the participation in higher education rises, and as the universities' research role becomes ever more important in determining national prosperity within the emerging global knowledge economy".

The right of academics to "question received wisdom" and to put forward unpopular ideas was enshrined in the 1988 Education Reform Act. But this Act had the effect of weakening academic freedom by removing tenure from newly hired academics and staff at former polytechnics, Dr Karran said.

Dennis Hayes, founder of Academics for Academic Freedom, said UK academics suffered from "cosy indifference" to the problem.

"Academic freedom in the UK is constrained by a politicised and compliant academic culture in which debate is discouraged for fear of causing offence to colleagues, students, ministers or the quangocracy," he said.

But Conor Gearty, director of the Centre for the Study of Human Rights at the London School of Economics, said it was important to distinguish

between formal constitutional law and how it was implemented.

"Practice on the ground often reveals a stronger cultural commitment to freedom than is apparent from perusal of the laws," he said.

(This article by Louise Radnofsky is reproduced from the Times Higher Education Supplement, 28 September 2007, p3)

Justice in a 'world class' university

Swansea, it may be recalled, is the place where the Vice-Chancellor closed down five major subject areas in 2004: Anthropology, Chemistry, Development Studies, Philosophy and Sociology were closed in order to channel resources into a new School of Business and Economics. The thinking behind this strategy was that the new School would attract lucrative students from 'the vast untapped markets of the Far East'. Achieving supremacy in these markets, the Vice-Chancellor said, would metamorphose Swansea into a 'world class' university, (CAFAS published a book, *The Mission Betrayed*, on the various duplicities and crooked manoeuvres employed to implement this strategy.)

Of course, the markets of the Far East were not in fact 'untapped'; plenty of other universities were in the same game, and some of them were well ahead of Swansea. And the notion that the supply of Chinese students was limitless also proved illusory: the Chinese authorities began advising students not to come to British universities, because they were no longer as good as universities elsewhere. Despite these setbacks, despite not teaching the full range of core academic subjects, and undeterred by failing to figure in any of the global rankings, Swansea now bills itself as 'world class' university. It seems that the poet Paul Durcan's description of Swansea - a 'pretty shitty city' - was considered less inspiring.

The university's world class status may be a trifle exaggerated, but its new School of Business and Economics can rightly claim to be pre-eminent, at least in one field. After the examinations at the end of the academic year 2005/6, some thirty students in that School alone were convicted of 'unfair practice', i.e. cheating. All were overseas students, and twenty-nine of them were Chinese.

Now comes a curious phenomenon. The very people who urged that Swansea's future depended on recruiting Chinese students now placed the blame for this outbreak of cheating on the Chinese themselves. The received wisdom became that cheating was in their nature, or their 'culture'. 'You know what the Chinese are like' became the slogan

of the day; though those who subscribed to this doctrine had seemingly not known what the Chinese were like only a year or so earlier, when it was agreed that the university's salvation lay in recruiting them.

The chair of the School's Teaching and Learning Committee, Professor Bischoff, provided a more rational - and less racist - explanation for the boom in cheating. The rise in the number of Chinese students, Bischoff says in a consultation document, produced 'an increase in problems associated with...poor levels of English language proficiency' and 'the present level of English language support for international students, once they are here, is not adequate.' As a result, the language problems in some cases 'are sufficiently severe that the students concerned do not have a realistic chance of succeeding on their chosen course of study'

The effect of the failure to address the language problems of international students, the professor concluded, is that the university is 'in danger of sacrificing our long-term competitive position in the market for international students for the sake of some very short-term gains in numbers'.

The Chinese students, in short, were recruited for one reason above all: to boost the university's finances. By the same token, however, Swansea thought it foolish to squander any of its profits on enabling these students to become proficient enough in English to complete their studies in the normal way.

Swansea is not, of course, the only place where the needs of students are neglected. And perhaps it is unfair to criticise any university today for selling its students short, since doing so follows inexorably from the accepted principle that the primary mission of any academic institution is to make money.

One of the functions of racism is to substitute itself for the more rational explanations that are too uncomfortable to face. Islamophobia, to take an obvious example, is a convenient substitute for blaming terrorism in Britain on the occupation of Iraq. So it is, on a smaller scale, in the case of the cheating in Swansea: if it is in the nature of the Chinese to cheat, there is no need to dwell on how the Vice-Chancellor and his friends made cheating virtually inevitable

Given the fact that an increasing number of students could hardly understand the lectures which were supposed to prepare them for the exams, a good many of the convictions for cheating were probably right, in the limited sense that the individuals involved did actually commit the offences of which they were accused. Given the prevailing prejudices, however, it is equally probable that some innocents were swept up in the process of blaming the Chinese. This is the context in which a young Chinese woman, Yu Jin, came to CAFAS after the exams saying that her Tutor, a member, had advised her to seek our help. She had been convicted of cheating. A Committee of Enquiry composed of those who

pass in Swansea for eminent academics had come to the conclusion - on the 'balance of probabilities' they said - that she had taken into an exam a piece of paper on which was written something that gave her an unfair advantage.

There were two disturbing facts about the case. One was that Jin had been convicted on the basis of no evidence; the other that she had an extremely poor grasp of English.

The piece of paper Jin had been convicted of having in her possession, it should be explained, had never been discovered. She had asked for a full search (one of the invigilators was female), but this had been refused. To conclude in these circumstances that she'd had the piece of paper seemed bad enough; to conclude that the writing on it was such-and-such seemed positively bizarre. Moreover, the proceedings which resulted in her conviction must have been a Trial of the kind described by Kafka, because they were conducted in English, a language in which she is far from proficient, and no interpreter had been provided.

Swansea was at that time still part of the University of Wales, and dissatisfied Swansea students were allowed to appeal to Wales, the assumption - thoroughly justified - being that doing this would generally make no difference, relations between the two institutions being somewhat cosy.

The first move in this case, then, was to submit an appeal to the federal University of Wales. Wales decided in its wisdom that Jin did not have even a *prima facie* case. This decision was incredible, but nevertheless entirely predictable: as the QAA had pointed out, Wales had given up the task of monitoring its constituent institutions long before its formal demise, which came only a month or two later.

The next move was to ask the Office of the Independent Adjudicator (OIA) to review this decision. It was only then that some sense was injected into a procedure that had previously been as ridiculous as it was despicable.

The OIA found that Wales had been clearly wrong to dismiss Yu Jin's appeal and, moreover, that the original conviction had been wrongheaded in several ways. Swansea appeared to operate on the assumption, the OIA said, that it was the student's responsibility to prove her innocence, rather than the university's responsibility to prove her guilt. And the standard of proof Swansea relied on - the 'balance of probabilities' - was inappropriate: the standard should be 'proven beyond reasonable doubt'. And there had been at least three 'material irregularities' in Swansea's treatment of the case: the Committee of Enquiry 'took into account irrelevant considerations

and failed to take proper account of relevant considerations'; it had unfairly neglected to make provision for any difficulties she had in following the proceedings; and it had distorted the evidence, accusing her of 'inconsistency' when in fact the only inconsistency was between her evidence and what they preferred to believe.

The remedy, the OIA found, was that Swansea must appoint a new Committee of Enquiry to reconsider Jin's case.

The import of the OIA's report was clear: Swansea had dealt with the case in a shoddy way and reached a shoddy verdict, and must now make amends.

It is interesting to see how the university authorities responded to these severe strictures. The federal university having at last vanished from the scene, it fell on Swansea to implement the OIA's findings. They considered the OIA's report 'fully', or so they would later claim. And, having carefully studied where they'd gone wrong before, the procedure they adopted to put things right was this: the Academic Registrar, a Mr Morris, had a chat one day lasting from 11.00 am to 12.00 with the Chair of the Committee which had convicted Yu Jin in the first place. And these two gentlemen decided (who could have predicted it?) that the OIA was mistaken: the way they had previously dealt with the case was in fact perfectly satisfactory.

There you have in a nutshell Swansea's conception of justice: the person who had treated Jin so badly the first time around was, the second time around, seen as the ideal person to review his own decision. The outcome of this process was to endorse Swansea's previous decision, and so she has been informed.

Called upon to have Yu Jin's case reconsidered by persons untainted by the previous decision, Swansea opted instead to have it reconsidered by the very person who had treated her unfairly before. Provided with the opportunity to make some recompense for mistreating her, Swansea opted instead for compounding the injustice. CAFAS has of course told the OIA that we intend to bring a new complaint against Swansea, this time to the effect that the OIA's previous findings have been treated with contempt. That is where things stand at the time of writing.

The mixture of arrogance and stupidity which rules the roost in Swansea is of course not unique: it is the house style in most universities today. But credit where it's due: Swansea has surely earned a special place in the recent history of British higher education.

Colwyn Williamson

NOTICES

Meeting

8 October 2007-

20 October 2007 2.00pm Room B23

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Birkbeck College

Agenda

- 1. Minutes;**
- 2. Matters arising;**
- 3. Academic Freedom;**
- 4. Case work**

Officers' meeting in Room B23 at 1.30 pm
Informal lunch and chat from 1.00 in the Junior
Common Room, 4th floor. All welcome.

Committee

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8 October 2007

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January Meeting 2.00pm
Saturday 26 January 2008
Room 328.

Further 2008 Dates

\Saturday 26 April 2008 Room 252

Saturday 26 July 2008 Room tba

Birkbeck College, Malet Street,
London WC1

CAFAS - ISBN Publisher

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

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.

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.’

Next Cafas Update

Please send letters, news items and articles to:

Pat Brady

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Geraldine Thorpe

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Deadline: 9 January 2008

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,
Clivesdon Court,
London W13 8DP**

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

Items do not necessarily reflect the views of the Council.

Cafas Reports

2. The Other Plagiarism Case: Mrs Jones & the University of Wales

Michael Cohen & Colwyn Williamson

£1.50

The Davies Report: The 'Great Battle' in Swansea

Sir Michael Davies

£4.00 or £3.00 to members

3. Prospects of Promotion: Towards a common code of Practice

G R Evans £1.50

4. Research assessment: as strange a maze as e'er men trod

John Griffith £1.50

5. Raising Concerns and handling the consequences in Further and Higher Education

G R Evans £3.00 or £2.50 to members

6. Upward Appraisal in UK Universities

G R Evans & Kevin Moloney £1.50

7. Nolan: what you need to know

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8. Universities: the Way Forward

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9. The Mission Betrayed, 2004

Michael Cohen & Colwyn Williamson

ISBN: 0-9550782-0-2 £3.00

10. The Tangled Web, 2004

Michael Cohen & Colwyn Williamson

ISBN: 0-9550782-1-0 £2.00

Please contact the membership secretary for copies of the reports. Details of Cafas Reports are also on www.cafas.org.uk

