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Council for Academic Freedom & Academic Standards

http://www.cafas.org.uk

AGM & Ordinary Meeting: ***Saturday 24 April 2010***
1.30 pm AGM; 2pm OM
Room 252
Birkbeck College
Malet Street
London WC1

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

Mysterious Contracts and How I Lost my Job

Dr Guirong Jiang
April 2010

A 'valuable' radiologist?

On 31 March 2010 my position as research associate in the Academic Unit of Bone Metabolism at the University of Sheffield was terminated.

I had worked at the University of Sheffield continuously for 13 years, initially as a PhD student and later as a postdoctoral research radiologist. I moved to Sheffield in 1996 from China having already obtained a medical degree. I had worked as a lecturer in clinical radiology at Sichuan University, and as a clinical radiologist for 8 years.

As is the case for many academics these days, my employment at Sheffield University consisted of a series of fixed term contracts funded from a variety of research grants. The employment aspects of these types of contracts have been discussed extensively. However, the fact that these contracts may allow universities to inhibit undesired academic output has received no attention. In my case I offered to continue my employment without salary. Therefore, despite the assertions of the University, shortage of funds does not explain their actions.

The circumstances of my dismissal have already been discussed in part in the press[1][2]. I have maintained[3], with good reason, that the main reason the University of Sheffield terminated my employment was to prevent publication of

scientific findings involving the disease osteoporosis, and to prevent re-examination of findings published by the unit head, Professor Richard Eastell. The University of Sheffield would obviously say that this is not the case. However, it is clear that the circumstances they have created will prevent publication of such science.

In this short assay, I do not to plan to discuss the approach of the University towards scientific integrity and the problems which have recurred in this academic unit. A summary of the way I was treated has been discussed elsewhere[3][4][5]. I will illustrate the approach of the University by discussing only one critical aspect of their performance. This involves a commercial contract, the existence of such a relevant contract, and whether such contract can be seen by anyone at all. The University of Sheffield accused me of breaching a contract to which I was not a signatory, had never seen, and have never been allowed to see.

Prior to discussing the mysterious contract, it is necessary to point out that the problem involves money. The unit in which I worked receive large amount of money from pharmaceutical benefactors. The question is whether such conflict of interest comes at a price in terms of integrity the ability to debate scientific findings in public.

The work

1. In 2002, I carried out some work on a set of X-rays which had been taken as part of a clinical drug trial. The trial was of the osteoporosis drug, Risedronate. This drug was produced by Proctor and Gamble Pharmaceuticals (P&GP). Risedronate is prescribed to reduce the risk of broken bones in people with osteoporosis. The drug trial was funded by P&GP. However, my interest in the work had nothing to do with the efficacy of the drug directly. My interest was in the way we diagnose fractures of the vertebrae (spine). Fractures of the spine are common in patients with osteoporosis. However, these fractures may not be as common as drug companies like to maintain. These spinal fractures are also the main way in which the efficacy of osteoporosis drugs has been assessed. The sorts of questions I was asking threatens the basis of much of the science involving these drugs.
2. As an expert radiologist, I was asked to re-examine the X-rays performed during one particular clinical trial of this drug (the IMPACT trial). This re-examination was funded through the 'P&GP Sheffield Centre Grant' to Sheffield University and Professor Eastell.
3. Examination of the X-rays highlighted several concerns about the way in which the techniques used by P&GP and other pharmaceutical companies to decide which patients had sustained a fracture. Many of the 'fractures' reported in the study would not have been diagnosed as fractures by any reasonable clinical radiologist. More importantly, two experts who had assessed the X-rays for P&GP using the same technique did not agree with each other. It seemed to me that important radiological features of vertebral fracture could be defined, and that these features were not present in many of the reported fractures. At the very least, a substantial and transparent debate was required. The intention at that stage was to publish these worrying findings, to produce an 'Atlas' of radiological images for teaching purposes, and to illustrate the problems of vertebral fracture diagnosis. In 2003, P&GP apparently agreed to allow this to happen.
4. In practice however, when I tried to progress this publication, multiple obstacles were placed in my path. Every attempt to submit a draft publication for internal discussion was thwarted. These drafts apparently lacked 'equipoise' and I could not submit them to the company or to other co-authors. I was told that publication would upset the academic who had been working with P&GP on these images and had 'published 576 articles'. I explained that because the intention was to publish information, rather than opinion, 'equipoise' did not matter. In any case, the agreed intention was to publish an Atlas of the original images. Every competent radiologist would be able to make up their own mind about these fractures.
5. In 2008, I approached the University for help. The University set up a research misconduct panel comprising Professor Eastell's close colleagues and research collaborators[4]. I was unfamiliar with the system and was surprised that the University concluded that there was 'no evidence' that publication had been

prevented. The behavior of these University officials became less surprising to me with time.

The conference submission

1. In 17 January 2010, after several years of such frustrating efforts, I decided to submit some of the work for presentation at a European bone meeting. Perhaps mistakenly, I did not invite other scientists whose work I was criticizing to co-author the submission with me. I did not inform P&GP, having already discussed the presentation with them on previous occasions. I fully expected that Professor Eastell had already shown the draft publication to them, as he served as chair of the company's UK scientific advisory board.
2. The submission was accepted by the conference, and was awarded an oral poster presentation.

Disciplinary action

1. On 25 January 2010, I received an instruction from Professor Eastell that I had to withdraw the meeting submission immediately. It was said that a commercial contract had been breached.
2. I responded by asking whether I could see the contract. This request was regarded as an offense by the University. Professor Eastell did not convey a copy of the contract.
3. Professor Eastell instead escalated the matter to Professor Peter Croucher. Professor Croucher contacted me to insist that the submission be withdrawn within 24 hours. I again asked for a copy of the contract which had supposedly been breached. Professor Croucher responded that the contract had nothing to do with me.
4. I then examined the conference website. This stated that if a submission required withdrawal, a valid explanation had to be provided. I wrote to Professor Croucher to ask him to provide the contract, and to provide the words of such a valid explanation which I could use. The contract was not provided and neither were these words. Professor Croucher again insisted that the submission had to be withdrawn. He wrote that 'Professor Eastell and I consider that these were reasonable request and would expect them to be followed'. I did not regard the requests as reasonable.
5. It is now known that Professor Eastell then communicated with a pharmaceutical company about the question of them using legal threats against me for breaching a contract.
6. The University then launched disciplinary action against me[1]. The disciplinary bundle from the University included 2 pages of a 39 page contract which had supposedly been breached. One of these pages asserted that the contract itself was confidential. The other page asserted that any scientific submissions had to be sent to the sponsor 45 days in advance.
7. I wrote asking for the full contract, and pointed out that the contract was with a different commercial company (Sanofi-Aventis), was dated 4 years after the work took place, seemed to involve a completely different aspect of work, and was not signed by me. The 2 pages were in any case un-interpretable in isolation.
8. In response, I was called to a meeting with Professor Croucher. The contract was again not provided. Professor Croucher stated that the contract itself was confidential, and I was not allowed to see any of it. He instead agreed to read aloud a paragraph of a different contract which he said applied. He read a section which said that submissions had to be given to a company 60 days in advance. Clearly this was a different contract, but again impossible to examine.
9. I wrote asking to see the paragraphs of the contract which stated that the contract itself was confidential. I also asked the University to explain why Professor Croucher (who had nothing to do with the research) was permitted to see the contract. The University failed to answer.
10. In response to press criticism, the University declared that they would not proceed with the promised disciplinary action[2]. Instead they expressed the desire to have their action examined through an 'independent review'. The only party permitted to choose these reviewers was the University itself. Witnesses were not invited. I was not permitted to listen to the rationale provided by the University. Consequently, I decided to restrict my involvement to pointing out that the University bundle of documents was

selective at best [3][5], and would hardly have enabled their actions or the context to be assessed.

11. The University supplied 2 pages of an entirely different contract to this review panel, telling the panel that this was the contract supposedly breached. This contract extract was again completely un-interpretable in isolation. However, the contract supplied was with a different company, Hoechest Marion Roussell who later merged to become Aventis. This contract page stated that the company had to prepare scientific reports, that the company had to review manuscripts 30 days in advance, and that the company itself could select who would be authors.

Redundancy

1. The University then terminated my contract of employment on 31 March 2010. They had informed me that all research materials belong to the University and had to be returned. To avert criticism that they were attempting to prevent publication of the IMPACT study findings as well as other research, the University stated that I was free to publish the findings and the images after termination of employment, but had to do this in my own name. I have pointed out that the University will be fully aware that this will be impossible. It would simply expose me to legal action without the protection that a University of integrity would offer to an academic such as myself[6]
2. The University of Sheffield may be successful in preventing publication of this work. Unfortunately, the world of commercial medical research has degenerated to the extent that universities are more concerned about secret contracts than allowing scientific debate or the well-being of the population.

References

1. Corbyn Z. (18 February 2010). Contractual ties trip up radiologist. Times Higher Education.
2. Corbyn Z. (4 March 2010). Volte-face in radiologist case. Times Higher Education.
3. Jiang G. (24 March 2010). Press Statement (www.fracturedefinition.uk.com).
4. Jiang G. (18 March 2010). Statement to Redundancy Appeal Hearing Panel (www.fracturedefinition.uk.com/pdf/statement1.pdf).
5. Jiang G. (23 March 2010). Statement to Independent Review Panel (www.fracturedefinition.uk.com/pdf/statement2.pdf).
6. See two letters to Professor Croucher (www.fracturedefinition.uk.com/pdf/crouch2.pdf)

Press statement

Problems in the Osteoporosis Research Group at Sheffield University

Dr Guirong Jiang

Wednesday 24 March 2010

Senior academic staff at the University of Sheffield have faced considerable criticism over their handling of longstanding scientific and other problems within the osteoporosis research group headed by Professor Richard Eastell (1,2).

This statement follows procedures carried out by the University in reaction to recent press reports (3,4).

In the opinion of many, the University have not dealt with these problems in a realistic way. A tangled web of procedures has been employed in an apparent attempt to avoid necessary action, and to protect Professor Eastell.

The University maintain that their procedures are 'robust' despite much worrying evidence to the contrary (see Statement to Redundancy Appeal Hearing - 18 Mar 2010). Professor Eastell has received considerable funding from industry.

Several academic staff, including myself, have complained about pressure placed upon them to publish scientific reports for commercial companies which do not reflect the underlying data. Staff have complained about suppression of publication, and that publications have been generated in the absence of data. Academics who have complained have seen their research and reputation blackened and undermined. Colleagues have been encouraged to present the work of these academics as if it was their own and to sign misleading statements of attribution.

At the centre of the recent press reports was a very simple event. As an experienced, professional and highly qualified post doctoral fellow and as a radiologist, I decided to submit two meeting abstracts without the explicit consent of Professor Eastell. I submitted these abstracts without the consent of a pharmaceutical company. I did not invite other scientists whose work I was criticizing to co-author the abstracts with me.

I received a direct order from the University to withdraw the second abstract within 24 hours. I failed to respond to this order. I have still failed to follow this order.

Yesterday (23 March 2010), the University held a promised 'independent review' of its actions (4). The University have attempted to give the impression that they wish their actions and the context of these actions to be judged through such a review. This review replaced disciplinary procedures which should have taken place. Having initiated this 'review' it would have been expected that the University would have provided an honest and complete summary of the context they wished to be reviewed. The University did not however provide such information (see Statement to Independent Review - 23 Mar 2010). The purpose of the University in calling for such a review is therefore unknown.

I believe that the University have refused to renew my employment contract specifically in order to prevent publication of scientific findings and to prevent publication of an atlas of radiological images. These images would allow debate about the interpretation of drug trials. The University have maintained that access to these data and images will be prevented by the University upon termination of my contract of employment. I have however agreed to remain attached to the University for no salary until fellow scientists are permitted the opportunity to examine the science in whichever forum I choose. During a redundancy appeal hearing, the University suggested that suppression of scientific findings through redundancy is not a valid ground for appeal against redundancy at Sheffield University.

The so-called independent review of yesterday has not yet reported, but was not encouraging. Given the desperate manoeuvres to prevent scrutiny and transparency, it seems unlikely that this will help the University to restore its reputation. In contrast to the intended disciplinary procedure (3,4), this 'review' is not subject to appeal. It is outside the University's procedures. No witnesses were heard. Such was the desire for transparency that the University found it necessary to inform me the day before that the 'review' would be held in secret. They informed me that I would not be permitted to know or to listen to the arguments the University provided, or to listen to the testimony of Professor Eastell. I was refused the right to tape record the reading of my own statement. Furthermore, the University provided a set of documents to the review which made it impossible to believe that the University really wish to have their actions examined as they maintain they do (See Statement to Independent Review - 23 Mar 2010). The University have not responded to explain why reviewers were associated with the University of Sheffield or why they could not be selected by anyone other than the University itself.

The University of Sheffield called for this review itself because it wished to give the impression that the University wanted its actions to be judged honestly and transparently. As such, the decisions of the University remain inexplicable.

References

1. Statement to Redundancy Appeal Hearing (18 Mar 2010), Dr Guirong Jiang
2. Statement to Independent Review (23 Mar 2010), Dr Guirong Jiang
3. February 18 2010 Contractual ties trip up radiologist
4. March 4 2010 Volte-face in radiologist case
5. PDF copy of this Press Statement (24 Mar 2010)

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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

Viewpoints

What price academic freedom?

The recent result in the Appeal Court concerning the Buckland v. Bournemouth University case, only reported in the Times Higher Education as a few lines hidden in the week in education section, but slightly more fully recorded on their web site with associated commentaries, leads us to read again the documents concerning the case, all of which are available on the web, as well as other documentation which has been made available. The discussion has spilled over into comments on both Bournemouth's former VC, Curran, and his pro-VC, Petford, being elevated to VC of City University and to Northampton respectively. Readers may remember the case, which concerned the overturning of marks approved by two internal examiners and the examination board in favour of more 'favourable marks' obtained by passing the scripts to a less qualified examiner by the chair of the examination board.

Buckland's view of this as an insult to his integrity to which his only course of action was to resign, was later upheld by an Employment Tribunal, overturned by an Employment Appeal Tribunal, and reinstated by the Appeal Court. The case is not over, and a recent letter in the THE from Petford continues to claim that there were mistakes in Buckland's marking and that he failed to cooperate with an internal enquiry, both points which we are sure he would deny. Indeed, a recent comment, which its contents suggest emanates from a source internal to Bournemouth, suggests that he should take action for libel. Petford's letter, plus a previous press release from the University, is clearly aimed at destroying Buckland's reputation as a lecturer and examiner of over thirty years' standing. As one of the other contributions to the web makes clear, he is still out of work, a position which the same letter notes has also been afforded to those who supported him in Bournemouth. The letter also highlights an interesting divergence of fates, the promotion of all those who were instrumental in enforcing the University's line.

The case encapsulates the changes which are going through the British higher education system, not just the inevitable dumbing down which accompanies the vision that everyone from hairdresser to the captains of industry should have a degree, but also the commercialisation of education, which began under Thatcher, and has been pursued relentlessly ever since. A degree is a product which everyone should be able to buy, and any failure must lie with the producer and not the purchaser – perhaps the only case where the customer is always right. Buckland's failing has clearly been a failure to recognise this and adopt the business ethic; as a VC once said when questioned by a reporter on redundancies at his institution, 'This is a business like any other business'. He was of course shortly afterwards, having disposed of several of his staff, partly in order to cover losses in a disastrous overseas venture, promoted to a more prestigious university. There has at least since the early years of the last century been a sliding scale of prestige in British degrees – no one buys a Skoda who can afford a BMW – but the plethora of awarding institutions which the last officially Conservative government created has only reinforced this hierarchy, and it was Buckland's mistake to stand against this, and expect what he had seen in universities higher up the tree to be applicable in the new institutions elevated in the dying throes of the Major Government. The presiding judge's comment in the Employment Tribunal that he was involved in a crusade against dumbing down is perhaps not entirely untrue, yet this seems to have been an imperceptible crusade. He appears to have abided by the University's rules implicitly, and only took the story to the Press when all internal mechanisms of remedy had failed. This is despite the fact that, on reading the correspondence between his UCU representative, himself and the various members of management, it is apparent that the last were determined to obfuscate the central issue, that of whether a chair of an examination board had the right to overrule its decisions, and thereby make a mockery of the entire examination process. It is a further indictment of the system that when the case was raised with the Quality Assurance Agency, their reaction, eventually obtained, was that Bournemouth's management had assured them that all issues had been dealt with; its former VC, Curran, has subsequently become a member of the QAA's Board. Similarly Buckland's evidence to the Parliamentary Enquiry on standards in higher education was also disallowed on the basis that the case was *sub judice*. It is an irony that it was not the QAA, charged with maintaining standards and parity across

universities but UCU, defending the rights of the individual, which saw the bigger picture and made a stand on an issue which impinges upon all academics, the right to examine fairly and without interference.

There has been a significant power shift in British universities. As salaries of VCs have been raised out of all proportion to that of their staff, many have ceased to have any contact with those actually doing the lecturing, examining and research, and their natural allies have become small cliques of academics seeking to mount the same gravy train, and more importantly senior figures in management, in particular, what was once Personnel, but is now more grandiosely titled 'Human Resources'. The divide was well summarised in a comment, perhaps apocryphal, attributed to the head of HR in Bournemouth over the Buckland case, 'We cannot allow a complaint from a junior member of staff to succeed as it undermines the basis of management'. Although Buckland was a professor in the university, management regarded him as junior, i.e. not a member of the management team, just one of the mental labourers, and as such, he either accepted management decisions or left. The rise to power of what were once essentially the clerks who serviced academic institutions has been such that in many universities the management budget exceeds the academic budget – shades of the failures in the NHS. The story is a simple one: you indicate that you need a clerk for half a day's paperwork a week, he/she arrives and within a week are complaining that there is so much paperwork that they need another clerk and so on until the entire system consists of pushing pieces of paper between desks; at that stage the remaining academics have to be given the more essential paperwork since the clerks are too busy, and important, to deal with it.

How does this relate to bullying and academic freedom? The rise to power of management cliques has effectively disenfranchised academic staff in most institutions. The concept of a collegiate body taking part in decisions for the good of the university community was perhaps an anachronism, if not a fiction anyway, but the decision making process and its implementation has increasingly been abrogated by HR, often by managers with little, if any experience of the academic community – on Bournemouth's web site, its director of HR is noted as previously working for the NHS, so the management style should not come as a surprise. What is more sinister is the interference of HR in academic decisions. There are cases where posts advertised as lectureships were appointed as 'university teachers' on the insistence of HR, who perhaps would be unaware of the impact of such a downgrading of a post on the career of the individual appointed – perceived as not being active in research, perhaps the equivalent of a senior clerk being given the contract as 'teaboy', something which they would perhaps understand and rightly resist. These cases concern old established universities and not recently elevated former local authority colleges, where the concept of staff being allowed to have individual opinions or indeed a career outside of the LA is alien to their personnel departments. In addition, there has been a worrying trend in bullying of recalcitrant individuals, defined by management as anyone who speaks out, for example, against either conditions attached to research grants by the client or the failure of institutions to provide the necessary support for a funded project – again, a consequence of the Bournemouth fiasco has been the dismissal of the only people capable of operating the university's advanced analytical facilities. In other cases, the similarity of bullying tactics in very different universities is interesting. Attempts are made to force outspoken individuals to attend medical examination by occupational health on the grounds of some perceived or invented problem, actions worthy of the best Stalinist regimes, and technically a breach of human rights. This is far worse than what has happened to Buckland, where the process of destruction has been more one of gradual attrition and destruction of academic reputation. Until the point of his resignation, he could still have accepted that the examiner appointed by head of the examination board had a better knowledge of the subject which he had taught and researched in for many years. After all, the university retrospectively obtained the agreement of the external examiners; to quote a notorious case from the 1960's, 'Well they would, wouldn't they?'

Buckland's position, that a course tutor was best qualified to grade his/her own course, subject to the moderation of a second examiner and the examination board, which he appears to have viewed as a basic tenet of academic freedom, was not universally welcomed. He was after all described in one short-lived thread on the THE web site, which clearly emanated from a source within Bournemouth, as 'an evil little man'. Viewed from any direction, Buckland's victory in the Appeal Court is pyrrhic, although the metaphor is not wholly appropriate since at least Pyrrhus won all his battles, only to die as a

result of a tile thrown from a roof. A better parallel might be Thurber's Walter Mitty, deluding himself into thinking that he was piloting the plane when he was only pushing the supermarket trolley.

Reading the documents again, shows the modern British university as a combination of Kafka with Orwell; those who stand up are metaphorically knifed, whilst those whom fear keeps quiet sit in the café, waiting for the final call to redundancy. It is hardly surprising that the reputation of British degrees is declining on the Continent and in North America. Where once a BA or BSc from a reputable UK institution was seen as the equivalent of an MA or MSc from others, its status has declined, and despite the old lady protesting too much, to misquote the title to Buckland's unpublished reply to Petford's accusations in the Times Higher reproduced below, it continues to slide down that which British governments seem obsessed with, the League Table, something which the threads attached to the web commentaries suggest has been effectively manipulated by a cynical Bournemouth University management.

This whole sorry episode will be rapidly forgotten. Bournemouth will continue to have no problem in recruiting students and collecting the attached fees, and it is unlikely that Buckland will teach in a British university again. Indeed, it would be unfortunate if his actions had any longer term impact, since those who would suffer are not the perpetrators of this process, but those left behind, the able students whose degrees have been devalued, those who either believe in the education of Bournemouth students, or less creditably those too afraid to speak out. We are reminded of a note which appeared briefly on the door of a respected academic at another university during a round of redundancies: 'They came for the Jews; I said nothing. They came for the gypsies; I said nothing. They came for the Slavs; I said nothing. They came for the Poles and I said nothing. They came for me; no one said anything'…..

Unto the breach

11 March 2010

Your article "Bournemouth academic's constructive dismissal claim upheld" (www.timeshighereducation.co.uk, 26 February) has generated a great deal of comment. Several of the views expressed dwell on the issue of academic standards, but do not acknowledge that Paul Buckland failed to adhere to our marking procedures and protocols; that he refused to cooperate with an internal academic inquiry into the matter; and that crucially, his marking was not supported by three independent external examiners, all experts in their field. Bournemouth University lost the case in the Court of Appeal not on the matter of academic quality, over-marking or so-called "dumbing down", but because of the way in which the chair of the examining board dealt with Buckland. Under contract law, a breach of contract, once committed, cannot be fixed.

Nick Petford,
Pro vice-chancellor,
Bournemouth University.

(The above reproduced letter was published in THE, 11-17 March, p33 and can be obtained from:
www.timeshighereducation.co.uk/story.asp?storyCode=410780...)

"Methinks the lady doth protest too much"

Whilst the case of Buckland v Bournemouth University Higher Education Corporation may still have a long way to run, and I have tried to avoid being involved in direct commentary, other than correcting errors, there are a number of points in Professor Petford's letter (THE 12.3.10) which are 'economical with the truth'. I did not resign the professorship in environmental archaeology in order to score a minor legal point, but because of the scandalous interference in the due process of student assessment by the head of an examination board and other members of staff, actions which, as I have said previously, constituted a gross insult to those students who had worked hard for their degrees. At no time did I fail to adhere to marking procedures and protocols, nor refuse to cooperate with an internal enquiry. In the latter case, on the advice of colleagues, who had experienced similar cavalier attitudes towards their marking of scripts, I insisted that everything be dealt with in writing. All of the relevant documentation, including the university's report and my comments upon it, has been available since April 2006 on the www at <http://www.mepenguin.com/pcb/course_review.

pdf>. The verdicts of ET, EAT and Appeal Court are also easily accessible on the www.
The three 'independent external examiners' are carefully described as 'all experts in their field' by Petford, These are no doubt all honourable men, but they list their relevant expertise on the www as: 'analysis of ceramic materials with respect to issues of trade/exchange and the socially embedded nature of technology' 'wetland archaeology, tree-ring dating of submerged forests and the development of underwater approaches to dendrochronology' and 'Archaeological Officer' for a local authority. It is interesting that the University prefers their opinions to that of the individual, who taught the course, has over 30 years of relevant experience and 100 relevant publications, as well as other honours, and of a second examiner, since made redundant, also with relevant publications and experience. I leave it to others to assess the merits of this case.

Paul C Buckland
(formerly Professor of Environmental Archaeology
Bournemouth University)

'An Observer' 17 March, 2010, THE comment

People might like to know the final scores in the Buckland case
* Dr B. Astin (head of exam board who overruled Buckland's marking) - Promoted to Pro-Vice-Chancellor (Education), since taken early retirement and retained as visiting professor
* Professor J. Vinney (author of report seeking to exonerate Bournemouth's actions) - Promoted to Pro-Vice-Chancellor (Education & Professional Practice)
* Professor N Petford (author of recent THE letter claiming that Buckland failed to follow BU practice or cooperate with Vinney's enquiry). - Promoted to VC (Northampton)
* Professor P Curran (saw no evil) - Promoted to VC (City University, London)
* Dr M. Russell (instigator of interference in examination procedure) - No change
* Dr. R. Haslam (2nd examiner and witness in Buckland case) - Made redundant
* Dr. M. Smith (2nd witness in Buckland case) - Made redundant
* Mr. J Chartrand (Examination officer during time of Buckland case) – Made redundant
* Professor P. Buckland - Resigned and still unemployed."

For a further comment, see the article by Cafas Patron Professor Geoffrey Alderman, 18 August 2008,
Geoffrey Alderman: University standards under threat | Comment is fr...
http://www.guardian.co.uk/commentisfree/2008/aug/18/bournemout...

We have invited the external examiners to comment on their role in Buckland's case. To date they have not replied. (eds).

An Important Case

In the last issue I outlined a very important case at a traditional university in the Midlands, where a professor was sacked for allegedly failing to publish enough academic articles for the university's RAE submission. The implications for academics throughout the country are clear. This is, to the best of my knowledge and that of the UCU, the first example of its kind, but it is obvious that, if this particular university is allowed to get away with using the RAE as an instrument for dumping staff, others will follow suit, especially in the current economic climate.

CAFAS has represented the dismissed professor in her appeal. which has proved to be a very long and extremely complex affair, but at last the end is in sight. We do not as yet have the final outcome, but the prospects of success are good. I should be able to give a full report in the next issue.

I repeat what I've said on many previous occasions. I need help in handling casework.

Colwyn Williamson

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

News Flash from Sussex: Its Council has approved 107 redundancies to be made in June

Word has it that at its 26 March meeting, the University's Council hardly touched upon how these job losses, including many academic posts, are likely to affect the University's capacity to fulfill its obligations to the nation. In fact, little in its deliberations reflected the purpose of the institution - to equip the next generation with facility for critical thinking, a knowledge base that allows judgment of values and ethical principles, a sense of public responsibility, the demands of integrity in democratic societies, and so on … Nor was there recognition that teaching these things is expert-labour intensive.

No, - Council's business was to support the "management" plan to turn the University's human capital into financial capital, - for all the things that money can buy: bigger and cheaper loans, buildings, and, perhaps, some new academics who could return the favour with a higher cash return on their research grants and contracts.

And never, not once, was question raised by the non-academic worldly-wise members of Council about whether perhaps it was the financial capital rather than its core academic human capital that the University could not afford. See http://boonery.blogspot.com/2010/02/palaeographer-and-managers-tale-of.html about Kings London for more accounts of reckless managers.

But also see, in response to the scandal of incompetence at London Met, that HEFCE (http://www.hefce.ac.uk/pubs/hefce/2009/09_46/) has made a good start in requiring more account of Councils in their oversight of Statutory processes in academic affairs. HEFCE may also need lots of help in fine-tuning the kinds of information needed to ensure proper use of precious funding.

Janet Collett

Essex Racial Equality Council is now defunct

The Essex Racial Equality Council (EREC), an organisation whose Director had no knowledge of the existence of Essex County Council List 98 for more than fifteen years is no more. ECC List 98 was a secret blacklist of teachers established as far back as the 1970s. And EREC Director was working closely with Local Authorities' Officers.

I have been a member of EREC for about 25 years. It was charity number 1000192 up to July 2009 when it was also made a company number 6235996 limited by guarantee at short notice at an annual general meeting to safeguard the interests of its trustees. I voted against the change.

The mismanagement of EREC affairs was so serious that I had eventually to bring the matter to the attention of the Charity Commission on the advice of Southend-on-Sea Borough Council. The EREC last but one treasurer was paid £14,703 and the Trustees were of the opinion that they would be able to recover this money.

Though the figure was in the Annual Report for 2007/2008 the Charity Commission took up the case only because I had brought it up. The Commission claimed that they were too busy dealing with some 200,000 charities.

It is remarkable that one of the authorities funding EREC to the tune of some £4000 a year throughout its life was Southend-on-Sea Borough Council that appointed two councillors to EREC as sitting consultant observers with right to speak but not to vote.

EREC currently has no base and its Treasurer claims that it ceased as Charity 1000192 but is continuing as a company 6235996. However, it is questionable whether it can continue as a company.

The Charity Commission informed me that they would pursue the issue of the £14,703 even after the dissolution of EREC as a charity to find why monies were paid to the previous treasurer and the legal advice the trustees had obtained.

The Director was made redundant and is serving an employment claim against the Trustees.

Majzoub B Ali
3 April 2010

Walking Prison

Dr Amir Ali Majid, Barrister

Mr Anjem Choudary on 2 January 2010 announced his plan to march through Wootton Bassett, in Wiltshire, carrying 500 coffins to symbolise the thousands of Muslims killed "by the oppressive US and UK regimes" in the wars in Iraq and Afghanistan. Justifying this macabre protest the group said on its website, it was totally unacceptable to honour servicemen who had contributed "directly or indirectly to the deaths of well over 100,000 Muslims in Afghanistan in the last 8 years."

Who is Anjem Choudary? He was a non-practising Muslim in his student days, making his name easy for the host community by offering the name of Andy Choudary. He became a fundamentalist and conducted himself in such a manner that the Law Society disbarred him from holding out as a "Solicitor." He cannot say that he knows Islam properly. He has not studied under any Islamic scholar whose views merit attention or consideration; and he does not have any Islamic qualifications or credentials. Accordingly, he is least suited to pontificate on Islam, Muslims in the UK or proclaim himself a "sharia judge." This 42-year-old former lawyer from East London, who certainly has the gift of gab, has the ugly attribute (which all good Muslim citizens are keen to avoid) claiming social security benefits from the same State he so reviles.

The town of Wootton Bassett has become famous for honoring British war dead returning from Afghanistan. Spotlighting the noble side of humanity, hundreds of people line the town's High Street every week to watch as servicemen's bodies are driven from the nearby airport, RAF Lyneham.

Wootton's former mayor Chris Wannell has called on the group's leader not to hold the march. Mr Wannell said the townsfolk did not come out to honour the soldiers "for any political reason at all" but to pay their respects to "those who have given their lives for our freedom".

The town's branch of the Royal British Legion having about 114 veterans are prominent in saluting the latest victims of the conflict in Afghanistan on their final journey.

Mr Ken Scott, who is "93 going on 94", is the oldest member of the branch and a former president. He was also once mayor of the Wiltshire town. Mr Scott fought with the 8th Army in the Western Desert before seeing action in Germany, France and Holland.

Full of respect for those who had given the supreme asset for the betterment of those left behind he said, "There are mums who've lost their sons and children whose daddies will never be able to take them to a football match again – some of them were so young."

In November 2009, 6 soldiers were brought back – 98th procession of such cortège in Wootton Bassett. The mourners included Mr Scott who, in his usual humble way, said, "These soldiers are our children. When they come through we have to stand and pay our respects. It's all we can do."

One cannot but feel sad particularly on the horrendous plight of the grieving mothers, when the bodies of soldiers (some as young as 18 years) are returned to the UK. With many other British Muslims I agree with Councillor Jenny Stratton of Wootton Bassett when she said, "Everyone has the right to protest, but it's not a very tactful place to do it."

I have yet to come across any Muslim who has sympathy with Mr Choudary's mode of protest. So, whom is he representing? According to the United Nations, out of the 1,013 civilian deaths in Afghanistan between January and June 2009, 595 were attributed to "anti-government elements" and 310 to NATO and government forces. Referring to this figure, a Guardian journalist, Mr Mehdi Hasan, has promised to pay for Mr Choudary's airfare if "he and his odious chums have the guts to fly out to Afghanistan" and march through the streets of Kabul and Kandahar, carrying coffins symbolising the innocent Afghans killed by the Taliban and Al-Qaida."

North Wiltshire MP James Gray proved to be right and this extremist group could not manage to round up enough misfits to carry the 500 coffins with Mr Choudary and the rally never took place.

With customary speed in such matters, the Home Secretary, Mr Alan Johnson moved on Tuesday, 12 January 2010 to quell the Islam for UK and said, "I have today laid an order which will proscribe Al-Muhajiroun, Islam4UK, and a number of the other names the organisation goes by. He clarified, "It is already proscribed under two other names - Al-Ghurabaa and The Saved Sect. We are clear that an organisation should not be able to circumvent proscription by simply changing its name."

Shadow Home Secretary Chris Grayling welcomed the decision to ban Islam4UK, saying Conservatives had been calling for the

government to act. He said: "We cannot permit any group which propagates the views of banned international preachers of hate and organises hate-filled public protests to operate in Britain.

Under the Terrorism Act 2000, a group can be banned if it "commits or participates in acts of terrorism, prepares for, promotes or encourages terrorism or is otherwise concerned in terrorism". Groups can also be outlawed if they "unlawfully glorify the commission or preparation of acts of terrorism".

The banning order came into effect on Thursday, 14 January 2010 and made it a criminal offence to be a member of this organisation, punishable by up to 10 years imprisonment. Ordinary Muslim organisations have long regarded Al-Muhajiroun as harming community relations - but they were split on whether or not a ban would be beneficial.

Inayat Bunglawala of the Muslim Council of Britain said that he would shed no tears - but he feared a ban would play into Al-Muhajiroun's hands who would present themselves as the victims. But Muslim campaign group Minhaj-ul-Quran UK said the government had done the right thing. Mr Shahid Mursaleen, a spokesman for this body said, "We support the ban on the extremist groups but suggest banning extremist individuals too as they will appear again with a different name."

The fundamentalists like Mr Choudary cover the real issues. Unfortunately they put the backs up of the media which are more than willing to sensationalise the marginal issues and fail to accord right place to the issues which concern the Muslim seriously.

The media failed to criticise the Prime Minister Gordon Brown for acting “hastily” and without any sophistication in respect of, what can safely be described as, an entirely wrong police operation against 12 Muslim suspects who were found innocent in April 2009. The Prime Minister was briefed in such a manner that he thought fit to telephone the Pakistani President Asif Ali Zardari. He praised the police and MI5. The PM said: “Let me thank all of the police forces involved. We are dealing with a very big terrorist plot.”

Even more disturbingly, the Home Secretary, the minister relevant in matters of national security and police, were taken in by Mr. Quick and his staff in the counter-Terrorism police department. Acknowledging that she and the Prime Minister were “kept informed of developments”, the Home Secretary, Ms Jacqui Smith, praised police for their professionalism and said, "I want to congratulate Greater Manchester, Merseyside and Lancashire police forces for conducting a successful anti-terrorism operation which has resulted in 12 arrests at a number of locations in the North West of England. "They are to be commended for the professional manner in which they conducted this operation."

In fact there was no “big terrorist plot” and it beggars belief that anyone can call this action “successful.” Most disappointingly, the Prime Minister and the Home Secretary, who congratulated the police prematurely, failed to express their sympathy for the innocent suspects, even with half of this zeal; instead, joining the fear-brigade saying “Don’t you know what we are facing in this country”, showing scant regard for the 12 Muslim suspects. In April 2009, the electronic and paper media were saturated by, if I may dare to say with the benefit of hindsight, the fictitious discovery of this big terror attack. Scores of yards of columns were devoted to nakedly harmful hatred against Muslims. The BBC website said, “Terror raids follow files blunder.” The person who composed this headline must have some reservations about this sorry tale since “blunder” proved to be applicable to the police actions which followed.

Peshawar-based Muhammad Adil, 27, MBA student (John Moores University, Liverpool), was the first of these suspects to make the police realise that their action was farcical. He spent most of Thursday in the library working on a dissertation that he has to submit by 30 April 2009. He agreed to meet a friend because he owed him 100 pounds. They were sitting on benches outside the building eating peanuts and talking when the anti-terror officers arrived. “Special Forces with telescopes on their machine guns came and said ‘Hands up’. I thought maybe they are students playing with me. My friend was sitting on the bench. They grabbed my wrists and pushed my friend and he fell down on the other side of the wall,” Adil said. He informed the officers that he was a student and was told to ‘shut up’. The police made him lie down, and tied his hands behind his back. “I kept saying ‘I’m normal’. I couldn’t see my friend but the officers were on him. They said ‘Don’t move’. They asked me if I knew why I was being arrested – as a suspect of terrorism, I was laughing in shock at that point and the officer told me it’s not the time to laugh”. Adil said he was kept lying face down on the floor with his hands tied behind his back for an hour with the officers pointing guns at him. After about an hour of being held on the floor, the

police took the two men to a police station in separate cars.

The whole drama turned out to be totally laughable, "horrendous" for the innocent students (this author is sure that some of them had sympathies with Islamic causes which they are entitled to have in this free land). However, senior police officers did not accept any responsibility for this naked incompetence which brought grief to twelve innocent persons and their families. Like many other informed observers, this author unreservedly deplores those students who were violating Immigration Laws. But that fact, as well as the sad truism, that the northern tribal region of Pakistan is a hot bed of terrorism, cannot convert an incompetent action taken in the name of national security, involving hundreds of police officers, injuring diplomatic relations and damaging community relations in a serious way, into a competent action.

A young Muslim of Halifax, Mr Rizwan Ditta, was sent to prison for 4 years for down-loading the images of military actions of Russian Federation in Chechnya, Israeli action against Palestinians and Indian operations against Kashmiris. It was said that he was not correct in saying that the material was available from the internet. According to an American Terrorism Analyst, one of the videos could only be obtained by Rizwan directly from the Al-Qaida. The American terrorism analyst seems to have given cogent evidence justifying Rizwan's conviction. He reminds the emphatic announcement of the US officials, repeatedly, that they had killed the "Chemical Ali" in 2003 in the first phases of military action in Iraq. A few days afterwards, Chemical Ali turned up alive. Also when in late 1990s the American sent a state of the art cruise missile to hit a target in Southern Afghanistan, it fell a few hundred miles short in Pakistani territory. Most disturbingly the analyst was not an eye witness in this serious matter where this Muslim young man was sent to prison for 4 years.

The UN Human Rights Council in Geneva passed a resolution making illegal the insulting remarks about a religion. This resolution was widely perceived to protect Muslims and adversely affecting the Danish-cartoons-type "freedom of information." In a BBC interview on 26 March 2009, Mr Asghar Bukhari, spokesman of MPACUK (Muslim Public Affairs Committee UK), said that Muslims were feeling under siege and their religion is being demonised. A Cambridge Professor agreed with him. Referring to the mocking of the revered prophet of Islam, Muhammad, by offensive cartoons etc, he said that it will be all right "if it is done by Muslims themselves." It will be "within the family" and an external person doing it will be offensive. It is not "proper" if a Christian is making fun of Islam.

Mr Daniel Bacquelaine, a Belgian MP, deliberating on an impending law banning face-covering veils. The law, expected to be passed on 22 April 2010 (making Belgium the first country in Europe to make the wearing of burqas and niqabs illegal) called the "burqa" a "walking prison." His humor is fine. Naturally, one cannot be overly critical of his remark because a liberal motivation may be perceived behind this comment to advance the freedom of women, given the reality that some Muslim ladies are definitely "forced" to wear these garments!

The Law on Libel

My MP, Meg Hillier, sent me the below response to her from Bridget Prentice MP at the Ministry of Justice (27 January 2010). GT

19 January 2010

'Dear Meg

The Law on Libel

Thank you for your letter of 22 December to Michael Wills on behalf of a number of your constituents, about possible reforms of the law on libel in England and Wales. This has been passed to me for reply as I am the Minister responsible for civil justice issues.

Your constituents are concerned that the current libel laws are affecting freedom of expression. The Government firmly supports the right to freedom of expression, which is protected by Article 10 of the European Convention on Human Rights (ECHR). In addition, section 12 of the Human Rights Act 1998 requires courts to have particular regard to the importance of the right to freedom of expression, particularly in relation to freedom of the press. Of course, the exercise of this right carries with it duties and responsibilities that are expressly recognised in the law. It is not an absolute right, and can be restricted for a number of reasons set down by law, such as public safety, the prevention of crime, or respect for the rights or reputations of others. Often, the right to freedom of expression may need to be balanced against other rights, like the right to respect for private and family life,

home and correspondence, which is protected by Article 8 of the ECHR.

We are concerned about any potential chilling effect that our libel laws are having on freedom of speech. As the Justice Secretary has recently indicated, we are setting up a working group, which will include media and defamation lawyers, academics, and representatives from those campaigning for libel reform and the scientific community, to examine a range of issues around the substantive law on libel. The terms of reference of this group are "to consider whether the law of libel, including the law relating to libel tourism, in England and Wales needs reform, and if so to make recommendations as to solutions." The scope of the group's considerations will extend to all aspects of substantive libel law in England and Wales, but will exclude issues relating to costs in defamation proceedings.

We have already taken a number of steps to control costs in publication proceedings, ensuing that, where After the Event Insurance is taken out, defendants are notified as early as possible, and given the opportunity to reach a settlement without being liable for the insurance premiums. Defamation proceedings are now part of a mandatory costs budgeting pilot, with judges scrutinising costs as cases progress to ensure that they are proportionate and within the agreed budget. We are still concerned about the level of success fees and are examining options for taking action in this area. However, in view of the ongoing work in this area, costs will not be within the remit of the working group.

In addition, as you may be aware, the Culture, Media and Sport Select Committee is currently conducting an inquiry into Press Standards, Privacy and Libel and is considering a wide range of issues in this area of the law. The Justice Secretary gave evidence before the Committee on 19 May last year and the Government will consider carefully any recommendations that the Committee may wish to make in its forthcoming report.

I hope you find this information helpful. I enclose a copy of this letter for you to forward to your constituents, if you wish to do so.

Yours ever

Bridget Prentice'

See also the Observer editorial on the need for libel reform, Sunday 4 April 2010, p24.

NOTICES

AGM
24 April 2010

Committee Election

Please send nominations to the Secretary, Ben Cosin.
Brcosin1926@yahoo.co.uk

AGM & Meeting
Saturday 24 April 2010
Room 252

AGM 1.30
Meeting 2.00pm
Agenda
1. Minutes
2. Matters arising
3. Academic Freedom
4. Campaigns
5. Casework and AOB
Officers' meeting in Room 254 at 13.30

Cafas Reports

Details are on www.cafas.org.uk

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Michael Cohen

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 02089982569; rekgemL1982@yahoo.co.uk

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

Next Cafas Meeting
Birkbeck College, London WC1
3 July 2010 Room 252

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: 15 June 2010

Please send letters, news items and articles to:
Pat Brady patrick.brady28@tgooglemail.com &
Geraldine Thorpe thorpegm@googlemail.com

Discussion List

Access defending-academic-freedom on www.cafas.org.uk

Please note

A further article that was in the printed issue of *Update 66* is being revised.
PB, GT