

CAFAS Update No. 68

27 September 2010

Council for Academic Freedom & Academic Standards

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

Meeting:

Saturday 9 October 2010

2.00 pm

Room B30

Birkbeck College

Malet Street

London WC1

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

Lacking Basic Etiquette – The case of Dr Amir Majid

John Fernandes
Co-Chairman - CAFAS

As usual, the eventual settlement of Amir Majid's case (dated 13 May 2010) contains a confidentiality clause. Many of you were present in the CAFAS meetings in which Amir, a practising barrister, told us his story in full relevant detail. Many of us, particularly me, have also received a comprehensive stream of documents by copies of his various communications to the London Metropolitan University (London Met) Vice-chancellor etc, including the 48-paragraph Position Paper and its 17 attachments. Therefore, please forgive me for any repetition. Amir has covered himself by saying that he can disclose the terms of the settlement to his "helpers." However, I will not refer to the terms of settlement and, using my full grasp of the case, I can tell Dr Majid's story of struggle about his unfair redundancy below.

FIRST REJECTION

Being at the top of the Reader's scale for eight years, Amir had good reason to be considered for a professorship. A panel of the university on 2 October 2007, after short listing, appointed a candidate who was lifted from Senior Lecturer level (skipping the Principal Lecturer/Reader's Grade entirely) to the rank of "Professor of Law" even though he had no "law" degree; he was BA History, CPE, Solicitor. What was manifestly absurd was that neither any of the internal members nor the ostensibly eminent external member of the panel verified whether that person's book or any of his nine articles (two of them published in the Guardian and the Times newspapers) was "refereed", leading to the inexorable inference that this panel was willing to make a person "Professor" without knowing that he was capable of writing a "refereed" article. It would be difficult for any rational person to come to the conclusion that it was a fair decision. It was an extraordinarily anomalous decision. A full grade was skipped for a favoured individual who did not possess any other inordinate feature. On the other hand, Dr Majid was at the top of the Reader's grade for eight years, is a Doctor of Civil Law and a practising Barrister and yet

not considered worthy of this “academic” position. Furthermore, he is rich in external recognition. Just to mention three: Special Ethnic Disability Affairs Adviser (2000-2002) to the UK Minister for Disabled People, Conferment of Sitara-i-Imtiaz, "Star of Distinction" (the second highest civilian honour in Pakistan in 2003), and the second blind person in the UK to be appointed to a judicial post, p/t Immigration Judge in November 1997. It appears that the panelists had taken leave of their senses and showed themselves to be bereft of any notion of proportionality, which once again is demonstrated in his rejection for the post of Academic Leader-Research and Postgraduate Studies, below.

SECOND REJECTION

A post of Academic Leader-Research and Postgraduate Studies, equivalent to a professorship, arose in the Department of Law, Governance & International Relations (LGIR) for which the interviews were held on 8 January 2009. Dr Majid had already expressed an interest in this type of post and decided to gain promotion by seeking appointment to this position. He encountered the same absurd behaviour – he was rejected and somebody who was not a Principal Lecturer/Reader for a single day and had less than one-third experience as compared with Dr Majid’s experience at the Senior Lecturer (SL) level was unfairly preferred. In fact, her experience at SL level was less than the period for the duration for which Dr Majid was at the top of the Reader’s scale (the SL grade being below the Reader’s scale in the new university sector).

MAJID TAKES LONDON MET TO TRIBUNAL

Dr Majid challenged the authorities for denying him promotion by taking London Met to the tribunal. Rather than any show of contrition, he was subjected to redundancy. Finding himself in possession of the power of redundancy, Dr Majid’s Head of Department, Prof Robert McKeever, used this power against him punitively. He made Dr Majid redundant as if he believed “Na Rahay Bance, Na Bajay Bancery” (Indian proverb which means “No Bamboo, then nobody can play flute), believing that his malefactions in the previous cases would escape a full scrutiny in the tribunal.

As many helpers observed with amazement, Dr Majid’s persecutors found themselves in more ease to punch him because he had the disability of blindness. For instance, in the final settlement they flatly refused to let him return to his previous office in the usual environs saying, “the room was given to another member of the staff” - a raw lie. To justify this deliberate lie to make Dr Majid’s life difficult (a uniquely malicious act of an academic institution which boasts of its exceptional care for its disabled staff), some books for the students are moved to this

room and it can be made available to Dr Majid if they are moved back to the original spot.

The anguish of a “Redundancy Notice” is like a slap of a policeman of a nation bereft of any rule of law; once administered it can never be undone. However, Dr Majid believes that we live in a nation where standards of fairness still mean something to some good individuals and the naked abusers of authority cannot believe that their actions will go unchecked. Accordingly, Dr Majid asked some of his eminent friends to request the university to review its decision.

PEOPLE SUPPORT

Thirteen people wrote in his support, including Mr Tony Benn, the Judicial Appointments Commissioner Judge David Pearl (his pointer in 1997 as a p/t Immigration Judge when he was the Chief Immigration Adjudicator of England and Wales), Judge Pinkerton (the current head of the London immigration judiciary) and the first blind peer, Lord Colin Low.

Lord Colin Low was outraged when informed of the background of Dr Majid’s redundancy and in his letter of 3 September 2010 to Mr Alfred Morris CBE DL, Interim Vice-Chancellor of London Met, he commented, “I understand that Dr Majid is in dispute with the University about the appointment of someone he believes to be markedly less well qualified than himself to a chair in preference to himself, without his having been accorded the opportunity of an interview, and that the matter is scheduled to be heard before an employment tribunal. What does concern me is that he has been identified for redundancy at a time when the case is due to be heard by an employment tribunal. You will understand it when I say that in these circumstances it is hard for the University to avoid giving the impression that it is victimising and discriminating against Dr Majid; an impression which is only lent substance by the fact that the University was found to have discriminated against Dr Majid in the past in refusing him promotion to the grade of Reader. The appearance of behaving in this way cannot but be damaging to the reputation of the University.”

The Resident Senior Immigration Judge, Judge Francis Pinkerton, head of the over 100 Asylum and Immigration Judges in London, like other 12 personalities who had written in support of Dr Majid, was displeased about the redundancy of Dr Majid and in his representation of 18 December 2009 to Mr Peter Anwyl, Chairman of the Board of Governors, London Metropolitan University, said, “I feel moved to write to you to offer my support to him.” As his representation typifies the views of other representers (remarkable qualifications of Dr Majid and totally anomalous redundancy of him by a university who wished the research to be promoted), I repeat his representation as follows:

‘Since the introduction of the scheme Dr Majid has been appraised on three occasions. I am able to say that his appraisals have been very positive. The appraisals indicate that he has a phenomenal memory and a friendly and relaxed attitude to those who appear before him. Generally speaking his written judgments (called determinations) are competent, well structured and well reasoned. As far as I am aware Dr Majid is the only non-sighted Immigration Judge in the jurisdiction. It is an enormous credit to him that he copes so well given the difficulties that indubitably present themselves to him. His appointment was for an initial five year period and has been renewed without question on each occasion. Dr Majid is an asset to this jurisdiction and from what I know of him I would be very surprised to learn that he was adjudged to be selected fairly for redundancy.

I hope very much therefore in all the circumstances that you will be able to accede to the request to set up an independent panel to consider the redundancy to ensure that justice is done and a lasting feeling of grievance on behalf of Dr Majid is avoided.’

As of today (13 September 2010) Judge Pinkerton has not received any reply. Mr Anwyl’s behaviour becomes even worse when one notes that Judge Pinkerton had closed his letter to him with these words, “A simple acknowledgment that this letter has been received would be gratefully appreciated.” The basic etiquette of “acknowledging a letter”, most disappointingly, is often breached by new heads of academic institutions on commercial salaries (usually over £200,000). Whilst any sensible person will not deem it civilised conduct, the persons guilty of this practice are under an illusion that it is required for them to look “big”.

CHERIE BLAIR QC REPRESENTS MAJID – LEGAL MEDIATION

Since Amir’s friends had repeatedly advised him not to represent himself, he was represented by Cherie Blair, QC. Dr Majid was told by the Deputy VC, ‘You tell me that you are a practising barrister; so what?’ Of course nobody could say such a thing to an eminent QC, A Recorder and the wife of a former Prime Minister.

Although the representations of 13 personalities highlighted the absurdity of Dr Majid’s redundancy, they could not enable any justice to break through the hard crest of arrogance. LondonMet was so bad in according any respect to the representations that one is justified to deem it to be deficient of basic efficiency. They could not find the representation of Judge Dr David Pearl, the Judicial Appointments Commissioner.

Certainly, Cherie Blair QC’s presence played a vital role in injecting sense in the situation and persuading the university to enter into judicial mediation. Judicial Mediation took place on 12 and 13 May 2010 and both parties were asked to draft

Position Papers to outline their positions. Cherie Blair in her representation on behalf of Dr Majid in paragraph 48 of her Position Paper said:

‘The Claimant does not relish the prospects of going to a department which holds out to be a “law” department where he is going to be “junior” to a “Prof in Law”, whose meager credentials include the absence of the first degree in law, where the Director of Research is senior to him and who would have not applied to be an Academic Leader but for the grooming of the Respondents, and, even if he is sent back on the top point of salary at the Professor’s scale, where he had to put up with the seniority of a person who was a Senior Lecturer and the Respondents have manipulated procedures to promote him making the two experienced individuals (Ms Lane and Ms Barter) redundant and, under a slightly different name, getting him into the senior position of an Associate Head. He wishes to return because he cannot ignore the effect on Jossy (a Ph.D student) and the university being vulnerable to a legal action for wasting his semester by not providing him with a competent supervisor, knowledgeable in the subject of his thesis. Every competent lawyer must know that the university will also be liable to him for wasting his time by being reckless as to his interest in the pursuit of their “objective” of the redundancy of the Claimant.’

As the settlement was achieving the principal goal of continuation of two doctoral students’ supervision and too many “unknowns” were surrounding any further litigation, it was recommended to Dr Majid and he accepted it.

Under the settlement, Dr Majid is going back, whilst the arrogance of senior academics was so bad that his other colleagues who were made redundant with naked unfairness (two of them so capable that currently they are hired by LSE and SOAS) failed to face them and could not challenge their arbitrariness.

Editor’s note: Members with similar experiences are most welcome to discuss issues raised in this article. All contributions will be held in confidence if so wished.

The University has recently announced that the deputy VC (mentioned above and among those named in reports on London Met’s financial crisis, 2009) is to take early retirement in March 2011.

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

Items do not necessarily reflect the views of the Council.

Cafas thanks generous colleagues at Swansea

'Eva Link reported the receipt of a letter signalling the donation to CAFAS of £935.99 from the Campaign for Academic Integrity under the aegis of Colwyn Williamson and Michael Cohen. (This donation has now been received.) The meeting expressed thanks and appreciation for this gift and resolved to put it to uses that were both memorable and practical: a conference, provisionally for 16th or 30th April; the first of the intercalary virtual meetings (on-line 1-5 September) would be devoted to agreeing theme/s and working out full draft plans, contents, speakers, venue, and, hopefully, finalising the date for such a conference. Suggested themes included: managerialism and policy in universities, the implications of the climate change 'emails scandal', academic freedom in the context of the 'business model' constraints and demands on universities, colleges and staff, and research funding - in the last context some cooperation with Save British Science might be possible, and some cooperation with UCU vis a vis the conference in general might be possible.'

Extracted from the draft minutes of the meeting on 3 July 2010.

John Griffith

The Council for Academic Freedom and Democracy (CAFD, forerunner of CAFAS) was pre-eminently John Griffith's brainchild. Others made signal contributions too, of course. But it was John who, with Ralph Miliband, took the formative step of persuading the National Council of Civil Liberties (NCCL, now Liberty) to sponsor a new body in defence of *both* freedom *and* democracy in academic affairs. This was in 1970, close on the heels of the late 1960s 'troubles' at LSE, where John and Ralph had taken leading parts in staff dissent from the prevailing line of authoritative repression vis à vis student unrest. CAFD's aim was, now at national level across higher education, to oppose such repression and to promote instead the heterodoxy and critical cutting edge in academic work that looked at risk from establishment convention.

It was also John who, as first chair of the new group (with outstanding administrative back-up by Christine Jackson, seconded from the NCCL), shaped CAFD's prime practical orientation towards 'casework' – the investigation of incidents in which academics appear to have suffered career disadvantage ('non-appointment' if rarely dismissal, or promotion blockage and the like) on grounds that,

contrary to acceptable procedure, related to their perceived political and/or their potentially 'subversive' attitudes rather than to their professional intellectual credentials. It was John again, skilled in advocacy as he was from his expertise in law, who would often personally take on representation of a 'victim' before some internal institutional 'tribunal', should preliminary enquiry show a sound case to be pursued. And it was not least at John's suggestion that CAFD over time published a number of reports, at the hands of various executive members, on a selection of such cases.

This was work to which John committed both formidable rigour and untiring vigour – to the extent that, by one executive colleague's estimate, his share of CAFD's early activities amounted to some 60 per cent. And his personal engagement never slacked off even as others succeeded him in the chair, before the eventual eclipse of CAFD during the 1980s. When already early on, moreover, the executive decided that 'casework' was not enough by itself, John was prominent in the group which then prepared a discussion booklet to set out the larger *Case for Academic Freedom and Democracy* (1972, with John and three others as co-authors). That publication sought to put the case in its wider contemporary political context, and argued for it as a necessary ingredient of socialist radicalism.

Dilemmas arose, however, when at much the same time, left-wing militants among students (and some staff) took action on some campuses to deny 'platforms' for outside academic speakers or honorary graduands deemed to be 'racist' or 'fascist'. Within CAFD itself such action proved highly contentious: was it not in breach of the very academic freedom which CAFD aimed to defend? The controversy has been well explored in Michael Newman's biography of Ralph Miliband (Merlin Press, 2002, see Chapter 5). John's answer, in disagreement with Ralph, was while carefully nuanced, 'yes': in all save a small number of cases CAFD should defend free exchange of opinion regardless of source or circumstance.

On all scores, John Griffith's death is indeed a sad loss for integrity and sustained critique in academic life; the memory of his work to those ends a lasting inspiration.

**John Westergaard,
8 July 2010.**

JOHN GRIFFITH – A COMMEMORATIVE MEETING

Many friends, colleagues and ex-students joined family members of John Griffith from 6-8pm on 22 September 2010 at the Shaw Library, London School of Economics to celebrate his life with 'some short speeches and some refreshments'.

Christopher Freeman (1921 -2010), CAFAS Patron

Those who read Mary Kaldor's fine piece in *the Guardian* (<http://www.guardian.co.uk/education/2010/sep/08/christopher-freeman-obituary>) about Professor Christopher Freeman (Chris) will appreciate that his death last month brought the loss of a fine supporter of CAFAS. Among his many legacies, those perhaps particularly significant to CAFAS emerged from his broad focus upon many fields that have traditionally considered themselves self-contained. His analyses of the dynamics of the uptake of developments in science into technology and then to life and livelihoods are widely highly regarded. The special interest for CAFAS may be that this seminal work also demonstrates the value of breadth as a part of a good education and, indeed, its importance in reshaping the present socio-economic base into a sustainable future.

Janet Collett

When is a defunct charity a failed one?

Charity Commission Officer Ms Lynda Harper wrote to me on Monday 16 August 2010 regarding Essex Racial Equality Council 1000192 the following:

'You refer to the charity as a *'failed'* charity, and it is unclear what you mean by this. According to our records, the charity is still a registered charity and is fully compliant with accounting requirements.'

Southend-on-Sea Borough Council Facilities Officer Mr Shaun Hamilton would not let EREC Chair enter Southend-on-Sea Civic Centre. EREC was formally dissolved on Thursday 25 February 2010 and Southend-on-Sea Borough Council Head of Legal and Democratic Services Mr John K Williams referred to it as a defunct organisation/. What is more, the Police are investigating the £14 703 EREC unable to account for according to EREC Treasurer Mr Colin J Gardiner.

EREC Chair and Trustees are not responding to any enquiries. The Director they compulsorily made redundant has lodged a tribunal claim against them. After some 25 years EREC is a failure, isn't it?

Majzoub B Ali

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NOTICES

Meeting 2.00 pm
Saturday 9 October 2010
Room B30

Agenda

1. Minutes
 2. Matters arising
 3. Academic Freedom
 4. Defending Academic Freedom
 5. Campaigns
 6. Casework
 6. AOB
- Officers' meeting in Room B30 at 1.30pm
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Cafas Reports

Details are on www.cafas.org.uk

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Founding Member

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

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: 10 February 2011

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

Next Meeting 5 March 2011 Room B29

Meetings 2010-11

**9 October 2010 - room B30
5 March 2011 - room B29
25 June 2011 - room 624**

Defending-academic-freedom discussion list

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

Academic Freedom and Democracy

John Westergaard in his obituary on John Griffith above has discussed the Council for Academic Freedom and Democracy. The need for CAFD no doubt resided in the inability of the former Association of University Teachers to deal adequately with casework involving academic freedom and democracy when they were under attack. Similarly, CAFD's successor, the Council for Academic Freedom and Standards, was formed in 1994 when the AUT and the former National Association of Teachers in Further and Higher Education were reeling from the continued assault on the unions. The need for the defence of academic freedom remained paramount but the focus had now to turn from democracy to the assault on standards. Nonetheless the need for democracy remains core. All three concerns have to be central to union activity. Freedom of speech, standards and democracy are essential for all unions.

Yet, at a time when the whole trade union movement is bracing itself to resist the impending cuts by the coalition government, the University and College Union (UCU) appears to have left itself without a strategy in higher education.

According to a UCU Left Paper, 'Strategic Impasse for UCU in HE', democracy is no longer a genuine concern. By a 'bizarre process', the Higher Education Committee decided to cancel the ballot for industrial action that had been set to run in September and October to prepare the Union for the government's comprehensive spending review on 20 October 2010. The 'bizarre process' involved the Chair of the Higher Education Committee voting twice to support the motion to delay any ballot or action until 2011. The Paper notes, 'In scenes of some confusion, the Chair first voted with 16 other members of the Committee to tie the vote 17 to 17, and then, instead of declaring the motion lost because it could not command a majority, he used his casting vote in favour of the motion.'

The full story is on:
<http://www.uculeft.devisland.net/statement-hec-ballot-decision-080910.html>

PB, GT.

Changes to JISCMail archives

The following message was sent to all JISCMail list managers. Managers of the defending-academic-freedom list are Sue Blackwell and Geraldine Thorpe. List members will receive an email message about the changes. The main issue is do you want to adopt the new public access to the archives or to keep them private?

'We'd like to tell you about an enhancement we're making to JISCMail's current search tools on the 21st of

September. We are opening up our public archives to search engines. All public information will be made available to search via search engines such as Google, Yahoo, Bing etc. Previously searching across many public groups was difficult but this will now be possible. We hope that although your group names are searchable via search engines, the additional archive search will improve visibility of your public groups and attract more members to make valuable contributions to your discussions. The search can be accessed via any group homepage (<https://www.JISCMail.ac.uk/yourgroupname>) or simply search via your favourite search engine such as Google.

Although this is not a groundbreaking development, it is the first time JISCMail's public archives have been open to search. Our developers have working hard to ensure that private content is not compromised ensuring our trust with our group owners and subscribers remains intact. In the past performance issues have stopped us taking this step but with our brand new servers and using Google sitemap, we have ensured this won't be a problem. There is no need to worry about spamming issues as anyone searching public archives will be unable to view email addresses unless they are logged into the JISCMail website. It is easy to change your group between public and private as you see fit.

We are asking all group owners to check their list configuration so that if they want their group archives to become searchable or if they do not wish the group archives to be searchable, changes will need to be made to the List Configuration.

Points to note:

- * Search engines choose what to search and when so we cannot guarantee when the public archives will be available.

- * Postings will not be available to search in real time outside of JISCMail. We will update our sitemap daily but the search engines will choose when to include this information.

- * If your group goes from public to private following the release of search, any messages previously crawled maybe available cached for a period of time on search engines.

- * If you are setting your group to become public from private, any previous private messages maybe crawled and become searchable. Please review the content of your groups before making the change and removing content that is not suitable for public consumption. You may want to inform your group subscribers of the change in settings.

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**