

CAFAS Update No 12

1 July 1996

Council for Academic Freedom & Academic Standards

Next Meeting:

Saturday 19th October, 2 - 4.30pm

Room MB307

Birkbeck College

Malet Street

London WC1

Nearest Tubes: Goodge Street, Euston Square, Euston

Time for Action

The timing of this issue of *Update*, two weeks after the last, is an indication of the rising number of industrial tribunals and cases. Iris Brooksbank's case is an example of the lengthy and punishing process of an I.T., all the more reason for strengthening the unions. A supportive presence at I.T.s is crucial and members can assist by being seen taking notes. Presence of the press can also be helpful and CAFAS can assist in contacting journalists.

Management offensives in universities and colleges signal a year of discontent ahead. All union rallies at Westminster Hall, London, on 25 June 1996, the day of the National Conference and Lobby of Parliament for Higher Education, heard that university managements are now attempting to implement compulsory redundancies, notices of which will be issued, in many cases, during the vacation. The management of the University of South Bank, London, has already begun issuing compulsory redundancy notices and, in response to NATFHE's successful ballot for industrial action, has implied to the union that those who lobby the academic board could be charged with unlawful industrial action, ejected from the premises and could face disciplinary action. NATFHE is urging members who are voting on industrial action to vote 'yes'. The union is condemning managements' "refusal to contemplate any actions other than compulsory redundancies" and, for some, a wage freeze. It says that "if managements are successful in pushing through unnecessary and vindictive measures this time then it is to be expected that the same tactics will be pursued in future years. We are more than ever convinced that only the pressure of a large majority 'yes' vote will produce negotiated settlements."

CASEWORK & I.T.s

Iris Brooksbank

Iris Brooksbank's Industrial Tribunal, scheduled to be resumed on 1-5 July 1996, has again been postponed. Iris received, on 21 June, a message which said that the "Chairman of the Hearing is unwell and is expected to be away from the office for some weeks. The hearing listed for 1-5 July is therefore postponed and relisting put on hold pending his return." She was told that the Chairman has been unwell from the time her hearing was postponed in March 1996.

For further information, please contact:

Iris Brooksbank
255 Amersham Road
Hazlemere
High Wycombe
Bucks HP15 7QW
Tel: 01494 437 513

Professor Raj Rao

Professor Raj Rao was made redundant by Southampton Institute in the middle of teaching this year's courses, and despite an impeccable teaching and research record. His students' protests were ignored.

His application is scheduled to be heard at the Industrial Tribunals, 4th Floor, Dukes Keep, Marsh Lane, Southampton, Hampshire at 09.45 am on Friday 26 July, 1996.

Members are urged to show support by attending the IT hearing. (*cont. p2*)

For further information, please contact:
Eur Ing. Prof. Dr B.K.N. Rao
307 Tiverton Road
Selly Oak
Birmingham B29 6DA
Tel/Fax: 0121 472 2338

Faculty of History
University of Cambridge
Cambridge CB3 9EF
Tel: 01223 335 331
Tel/Fax: 01865 311 427

Professor David Taplin

Professor David Taplin DSc DPhil, Director of Research, Chair of the Research Degrees Committee and Professor of Materials Integrity at the University of North London, until March 1996 (and currently an Honorary Professor at the University of Plymouth), has lodged a writ in the Queen's Bench division of the High Court for breach of his employment contract, against the University of North London. This case is expected to proceed to public Trial in the High Court.

Solicitor for Professor Taplin is Brendan Murphy of Edward Lewis, 70 Gray's Inn Road, London WC1 and his Counsel is Cherie Booth QC. Solicitors for the University of North London are Lawfords of Richmond and its Counsel is Ingrid Simler.

The case is of general importance to CAFAS, the case officer for which is Dr Gillian Evans. CAFAS seeks to achieve early reinstatement and compensation for Professor Taplin. If the case has to proceed to trial, then issues related to UK academic standards in research and in PhD/MPhil supervision would be usefully examined in the light of, for example, the recommendations of the Martin Harris/HEFCE/CVCP Review of Standards in Postgraduate Education in the UK, the David Harrison/NAPAG review of university research standards and the "gold standard" worldwide of the British PhD.

CAFAS members are urged to give their support by writing to:
Mr Brian Roper
The Vice Chancellor
University of North London
London N7 8DB

Sue Johnstone
NATFHE Branch Secretary
University of North London
London N7 8DB

For further information, please contact:
Dr Gillian Evans

Ursula Riniker

After Ursula Riniker had taught for 14 years for the Department of German at University College London, on fifteen yearly fixed-term, part-time contracts, but with a teaching commitment in the latter years exceeding that of a full-time teacher, responsibility for her courses was, in session 1991/92, transferred to the newly created Language Centre of the College.

When Ursula voiced complaints about the worsened terms of employment of teachers at the new Language Centre, about the new form of student assessment and about the denial of a staff meeting to discuss the problems (which was in breach of College Statutes) she was victimised, sacked and denied appeal, despite the fact that College Statutes guarantee the right of appeal.

Before her sacking from the Language Centre she had been offered and had accepted, in the summer of 1992, a permanent 0.5 post back in the Department of German which, unlike her previous 15 yearly fixed-term contracts was said to be incremental and pensionable. After her sacking from the Language Centre, her new contract was changed from permanent to one-year fixed-term, and the following clause, said to be authorised by the University College Council whose Chairman is Sir Robin Ibbes, was inserted in her new contract of employment:

It is a condition of your appointment that you should cease to be involved in matters concerning the running of the Language Centre and that you should not enter the Language Centre premises except with the prior permission of the Director of the Centre or the Chair of the UCL Language Centre Management Committee.

According to the College Prospectus, the Language Centre is open to all students and staff for self-access.

When she rejected this discriminatory clause - a denial of her freedom of speech and movement - she was sacked a second time, by the Provost, one day before teaching under the new contract

was due to start in October 1992.

The College offered her a year's salary of approximately £8,500 in lieu of notice, which it was legally obliged to do because the new contract could only be terminated at the end of the academic year. The AUT advised her to accept this financial settlement. She rejected financial settlement and asked for reinstatement.

More than a year after she complained to the Industrial Tribunals, the College admitted unfair dismissal and offered a financial settlement of some £4,000 more than previously, while continuing to resist her claim for reinstatement.

Almost four years after her victimisation and unfair dismissal, the case is still pending before the Industrial Tribunals and the Employment Appeal Tribunal, who are clearly very uncomfortable with it. Leave for judicial review has been refused.

Please give your support by writing to:

Sir Derek Roberts
Provost
University College London
Gower Street
WC1E 6BT and

Sir Robin Ibbs
Chairman of UCL Council &
Chairman of Lloyds Bank
Head Office
71 Lombard Street
London EC3P 7BS

For further information, please contact:
Ursula Riniker
6 Devonshire Court
Devonshire Hill Lane
London N17 7NJ
Tel: 0181 801 2810

Nina Anstee

CAFAS has written to the Vice Chancellor of the University of East Anglia saying that unless we hear otherwise from her by this week, we shall assume that she has no objection to her letter being shown to the unions and the media. Nina has been invited to participate in a BBC programme relating to her case.

John Cornelius

The following appeared in the *TES*, 28 June 1996:

Disabled teacher awarded £17,000

A court has awarded more than £17,000 to a disabled teacher who was unfairly and wrongfully sacked from a London school.

John Cornelius, 46, who has spina bifida, sued Southwark Borough Council after an industrial tribunal ruled that the council breached 1988 Education Reform Act procedures when it dismissed him from Walworth School, Bermondsey, amid allegations of gross misconduct in March last year.

Bow County Court has ordered Southwark to pay Mr Cornelius £15,562 in back-dated salary (in addition to the £6,000 back-pay award made by the tribunal in May) and £1,680 to cover his legal costs.

Mr Cornelius, who strongly

denies the misconduct allegations made by Walworth head Brinley Morgan, said: "The court's ruling is a victory for me as it bears out my claim that, technically, I have not been sacked and should therefore have remained suspended on full pay from March last year.

"I should remain on the school's payroll until such time as it decides to organise a lawful disciplinary hearing."

Southwark council spokesman John Harrison said: "We are trying to have the court's judgment set aside. We believe it constitutes an abuse of legal process because in our opinion Mr Cornelius' case has yet to be fully settled by the tribunal."

Daniel Rosenthal

Southampton Institute

Few can have failed to notice that Southampton Institute has major problems. Derogatory articles have appeared in the *THES* for six weeks running and the local *Daily Echo* has been publishing SI misdemeanours almost daily since 3 May 1996.

The Institute has been rebuked by the Greek Government, the Channel Islands and the HEQC for misrepresentation, as it tends to call itself a "university". The Institute has each time attributed this to errors made by the publicists. In the case of Greece it was said to be an error of translation, which is of significant importance in students' perception of quality.

The Greek venture attracted 30 students and has cost SI over £300,000. The "prestigious" campus has four computers and a tiny library, and lies in the heart of Athens' red light district. It has also been revealed that a brown envelope

stuffed with cash had been taken out of the country by a member of Institute staff, hardly the action of a respectable institution, particularly as it is in breach of the Greek currency laws. In a televised interview David Leyland, Director of SI, told viewers about a second brown envelope. This was later corrected by a press release explaining that there had been "an error". After the flurry of bad publicity, David Leyland and his team of 12 flew out to Greece for three days to officially launch the campus. Shortly afterwards the dean of the Athens campus resigned. Nottingham Trent University is concerned because the degrees that SI is selling have been franchised from it.

The HEQC audit report also criticised SI's Bombay and Spanish links, suggesting that proper procedures and practices were not in place. It also thought it "quite extraordinary" that its draft report had not been seen by the governors.

Wessex Institute has lodged a complaint about SI's logo resembling too closely its own.

Both staff and students have passed votes of no confidence in David Leyland who has continued, however, to persuade a slim majority of governors to back him.

CAFAS' sources say that the problem lies in the oppressive regime at SI which neither travels well nor flourishes at home. We understand that several national bodies are so concerned that they want to send in investigating teams.

VIEWPOINT

Industrial Tribunals : Some Reflections

While I'm not claiming to be any expert, members with impending IT hearings might find the following useful.

If you can find a few hundred pounds it is worth obtaining Counsel's Advice, i.e. you pay a solicitor to obtain a barrister's report on your case. It can help point you in the right direction if you are representing yourself. (If the solicitor you've chosen doesn't show much interest in, or grasp of, your case, go to another one. It's all too easy to waste time and money on a duff solicitor. It is possible to complain to the Solicitors Complaints Bureau but this is long-winded and often futile.) Legal Aid is not available for ITs but is available for the Employment Appeal

Tribunal (EAT) and the County Court. Anyone who knows their case well and is used to speaking in public - what teacher isn't - can present his or her own case. IT Chairmen take a delight in publicly humiliating barristers: as a lay person not party to this particular hierarchical farce, you are obliged to show no more respect to the chair than to any other human being, and he will sometimes give you advice which he will not give to a barrister who is expected to know his stuff already. It pays to make it known that you are aware of the existence of EAT. At least two precedents which were cited in my case were cases which had failed at IT but were upheld at EAT (*Boyo v Lambeth* and *Cabaj v Westminster*).

Going to Court is NOT expensive. What IS expensive is lawyer's fees. It cost me only £80 to place my case before the County Court with a further £20 payable to the High Court for enforcement. It's been said that a man who represents himself in court has a fool for a client, but this was probably said by a lawyer. Having a fool for a lawyer is a worse scenario. Dig out as much case law as possible: this means locating a law library (I can recommend the one at Stratford, East London) and looking up cases in the Industrial Relations Law Reports (IRLR) and the All England Law Reports (All ER). The Education Acts themselves can be found in Hallsbury's Statutes. This research is basically what you'd be paying a barrister to do: you can do much of it yourself. (This is the advantage of being sacked: the money is crap but by God the hours are good.) Find cases similar to your own and understand why they succeeded (or failed) and recycle the arguments of barristers and judges to suit your own case where there is a legal point to be argued. The gobbledygook language of lawyers is a dialect which is surprisingly easy to assimilate and reproduce: beneath the verbal camouflage of your opponent's barrister you might well find an astounding ignorance of your case, which you should exploit to the full and join in with the luckless barrister's ritual humiliation.

It seems that the higher up the court system you go, you are more likely to encounter justice and common sense: cases have had to go before the House of Lords and the European Courts before a sensible outcome is reached. ITs are several rungs higher than the 'kangaroo courts' of school or college disciplinary hearings, but the odds are heavily stacked in favour of the employers, who use tribunals as a cheaper option (even if they lose the case) than paying redundancy money. ITs are riddled with eccentricities and bias. The history of my own case is littered with inconclusive hearings, unanswered letters, hiccups and prevarications, dragged out over a year or more. It could have been resolved in one morning. Wrongful dismissal, unfair dismissal and breach of contract were upheld eventually. All were readily apparent at the outset. I am obliged to seek a remedy in the courts because a Tribunal cannot and will not recognise UNLAWFUL dismissal. If your case pivots on a point of law, as mine does, I would suggest that you skip the IT altogether and go to the County Court. Sit in on as many hearings as you can, as a member of the public, to get the feel of it all. Lawyers are useful

when it comes to arriving at a financial settlement. Many of us, while comfortable with an intellectual argument, are all at sea when it comes down to money.

It is not advisable to rely on union representation. In my experience, the teaching union can be not only useless but actively obstructive in some cases. Some black colleagues inform me that the CRE can be equally useless. Education has hitherto been a cosy, cloistered world: out in the real world, tough measures are required. The Head Teacher or College Principal who has made your life a misery will assume dwarfish proportions outside his or her natural habitat.

JOHN CORNELIUS

PRP (Profit Related Pay)

Profit related pay is one of the latest ideas put forward by the College Employers Forum (CEF) for colleges of further education. This is despite Nolan introducing his report by stating that further education is in the "not for profit" sector and later quoting from the Davies Report which stated that it was profoundly important for a line to be drawn between an adult academic world and the commercial jungle.

The scheme proposed at one college allows staff to forego 22% of their current pay to be replaced by lesser, flexible, tax free profit related pay, the "profit" being the 22% taken from the employees. The staff will probably receive higher net pay by paying less tax, and the college will gain by a 3% reduction in the salary bill. The only loser is the Inland Revenue. The CEF sees nothing wrong with this tax avoidance scheme to maximise funding, but if the public sector is not prepared to pay tax, how will it be funded?

The staff are guaranteed and paid a third of the PRP (amounting to 1% net pay) each month. This means that the college could make a "loss" and still have to pay PRP. The other two thirds, or 2% of net pay, may, if a "profit" is made, be paid some four months after the end of the financial year. The pressures that could be placed on staff to cut costs and probably corners, with the threat that unless the shortcut is taken the bonus will not be paid, are considerable. This must mean that quality standards will fall if staff are motivated by flexible, but ultimately uncontrollable, financial rewards.

If your management has suggested introducing PRP and you want further information, please contact:

SARA BROWN
39 College Street,
Grimsby DN34 4TN
Tel: 01472 340018

The Spearhead Initiative

At the second meeting involving the Council for Academic Autonomy, CAFAS, AUT and others a draft proposal was discussed and suggestions for the final draft were sought. The main focus was on the details of the crisis in higher education including questions of standards, research, governance, openness and academic freedom. We drew attention to the wider context and below is our contribution:

The UK universities are in crisis because the whole social, economic and political system is in crisis.

The origin of the crisis lies in the attempt to increase accumulation of capital through privatisation, incorporation of the public services and disarming the trade unions. This is accompanied by the attempt to bring about a redistribution of wealth through the shifting from progressive to regressive taxation. The ruling ideas currently governing economic and social policy predate and were discredited by Keynes. In this context the difficulties that we are experiencing are predictable.

The aim of the changes in education is to relieve the Exchequer of the burden of funding. Structural changes cannot be separated from the question of funding. The market is the mechanism for accomplishing change and if it is allowed to operate, its values will predominate.

The crisis in British universities is exacerbated by government policy directed towards the narrow end of the institutions primarily serving the needs of employers. These needs are more concerned with attitudes of workers than knowledge, skill and competence with which Robbins was concerned.

Economic, political and social ideas form the raw material for academics and are the basis for the development of sciences, arts, humanities etc. Because of this the shopping list to politicians *et al* must be set in the context of larger ideas. The only way to fund social services which benefit everyone whether or not they use them, is by society as a whole. In other words, academics should be arguing for a return to progressive taxation and full employment as a prerequisite for the development of moral, social, and educational values.

PAT BRADY & GERALDINE THORPE

NOTICES

CAFAS in the Media

- 20.5.96** The Guardian (Paul Foot's column)
- 28.5.96** Guardian Education
- 31.5.96** Times Education Supplement
- 2.6.96** Independent on Sunday (Frances Beckett)
- 4.6.96** Guardian Education
- 21.6.96** Greater Manchester BBC

Public Enquiries

Public enquiries are a fruitful route to influence for CAFAS. Gill Evans reports that the HEQC and the CVCP are exploring ways of implementing the Nolan Committee recommendations applying to them. We are especially keen to see that the anti-gagging recommendations are put in practice. The unions should also be approached to co-operate with their implementation effort. Readers in a position to influence might put this down and take up the pen....

CAFAS also plans another foray into committee land, this time the Dearing Committee on HE futures. Gill is coordinating our response so suggestions, papers and lobbying help to her please.

KEVIN MOLONEY

SCASS Conference

Among those who addressed the Standing Conference of Arts and Social Sciences conference on 27 June at Senate House, University of London, were spokesmen for education Don Foster, Liberal Democrat, and Colin Pickforth, Labour. The politicians expressed similar views including a wish for (limited) expansion of higher education and noted the concerns of delegates. Because time ran out, they will receive further written statements through the Chair, Professor Jennifer Birkett, Birmingham University.

Committee

Case Coordinator: Colwyn Williamson
University College, Swansea SA2 8PP
01792 295 895 Fax: 01792 295 893

Chair: John Fernandes
76 Bois Hall Rd, Addlestone Surrey KT15 2JN
0181 208 5260 Fax: 0181 208 5252

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Bournemouth University, Fern Barrow, Poole, Dorset,
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David Regan Appeal Coordinators: Irene Bruegel,
10 St George's Avenue, London N7 0HD

: Dr Janet Collett
University of Sussex, Brighton BN1 9QN

Industrial Tribunal Dates

26 July 1996, Southampton, Prof. Raj Rao
Tel: 0121 472 2338

6-7 August 1996, Croydon, John Cornelius
Tel: 0181 552 0895

2-12 September, 1996 Croydon, Minya Laher
Tel: 0181 541 1330

CAFAS Publications

Academic Standards Under Pressure: the Case of Swansea, Michael Cohen & Colwyn Williamson

The Other Plagiarism Case: Mrs Jones & the University of Wales, Michael Cohen & Colwyn Williamson

Prospects of Promotion: Towards a common code of practice, G R Evans 1994

Research assessment: as strange a maze as e'er men trod, John Griffith, 1995

All available at £1.50

Sir Michael Davies, 1994, ***The Davies Report, The 'Great Battle' in Swansea***, Thoemmes Press. Price: £4.00 (£3.00 to CAFAS members)

Copies can be obtained from:

CAFAS
39 College Street
Grimsby
DN34 4TN
Tel: 01472 340018

LEAF

The Lecturers Employment Advice & Action Fellowship for further education lecturers is affiliated to CAFAS. For information contact the General Secretary, 126 Saint Augustine's Avenue, Thorpe Bay, Essex SS1 3JF
Tel: 01702 589 529, Tel/Fax: 01702 588 549

Letters on any issue, news items and short articles for *CAFAS Update* should be addressed to:

CAFAS Update

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Please phone before faxing.

Next deadline: 30 September 1996

CAFAS Council for Academic Freedom and Academic Standards

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CAFAS welcomes widened access to further and higher education. But expansion without a corresponding increase in funding and the attempt to run education on commercial principles have led to standards being undermined and to staff who protest being victimised. Many are too demoralised, or too pressured by inadequate resources, to challenge the decline; others are fearful of redundancies or intimidated by the threat of victimisation.

CAFAS faces the fact that the British educational system is decaying. The Council will not collaborate with the pretence that this is not happening nor will it compromise on the right to say so. The principle of academic freedom enshrined in the Education Reform Act 1988 - that "academic staff have freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs" - is increasingly under attack, particularly when staff expose instances of corruption and shoddy standards.

CAFAS

- * **campaigns against the decline in standards**
- * **defends individuals against victimisation**
- * **gives moral support and legal advice**
- * **investigates malpractice and publishes findings**
- * **seeks to develop a support network with unions and other organisations**

Everyone who shares these objectives should join and persuade their local union branch or association to affiliate. Affiliations from students are welcome. For further information, telephone 01792-205-678

Please photocopy this application for membership and distribute it among your colleagues.

Send to CAFAS Membership Secretary, 14 Highgate Drive, West Knighton, Leicester LE2 6HH

Name.....Address.....
.....Post Code.....Date.....

I/we wish to join/affiliate to CAFAS and enclose a cheque for.....

(£10 p.a for individual membership, £5 p.a for students and unwaged, £25 p.a for trade union affiliation.)

Bankers Order

To (name & address of your bank).....

Your Bank Sort Code.....Your Account Number.....

Please pay CAFAS the sum of.....every year starting on.....(date)

Signature.....

For Bank Information

Account: CAFAS Sort Code: 30-95-46 Account No: 1868136
Lloyds Bank plc, Swansea Branch, PO Box 66, Swansea SA1 3AP