

CAFAS Update *No 18*

16 January 1998

Council for Academic Freedom & Academic Standards

Next Meeting:

*Saturday 31 January , 2.00-4.30pm
Room E110
Birkbeck College
Malet Street
London WC1*

Underground: Goodge Street, Euston Square, Euston

Greetings for the new year. The crisis in education continues and the attack on standards and academic freedom will intensify in 1998.

The Crossbow Report, commissioned by NATFHE for its higher education sector, has indicated that there is a disturbing deterioration in lecturers' actual working conditions which, in a significant number of cases, are falling short of the terms of lecturers' contract. (See p 4)

That the crisis is not translating into membership growth in CAFAS is a cause for concern because it appears to indicate a pessimism, helplessness or indifference in the face of changes which can be resisted. An example of successful resistance is the faculty at York University, Canada, who after two months' strike retained control over copyright of their I.T. software and thus their own work.

Last year CAFAS did register some

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notable successes but many more members continue fighting their cases or have suffered setbacks.

Every member can help by recruiting individuals on the basis of these successes and getting their union branch to affiliate.

This issue contains the ballot paper on the constitution.

Friends of John Giddins Campaign - an update by Zoe Hardy

John Giddins is still waiting confirmation of a date for his Industrial Tribunal, but he expects this to take place in late March, early April. It is a long drawn-out process which can be, at times, rather depressing and demoralising for him and his family. However, John and his colleagues were rallied by the debate on Further Education initiated by John Cryer MP on 21st November in the House of Commons. This was followed, shortly after, by the

suspension of Roger Ward* - indicating that FE is on the political agenda at last. A half-day of industrial action took place at Doncaster College in the same month. This action over the threat of redundancies also indicated the broad and strong support which exists for John. Many people see the stand he is taking as reflecting the wide-ranging concerns they have about the lack of accountability inherent in the Further Education Sector.

A postcard has been produced for all CAFAS members. This highlights some essential quotes from John Cryer's debate on FE. We urge you to send this (in an envelope) on to the Principal and Governors at Doncaster College (addresses on the back) urging them to reply to the allegations.

*Roger Ward was sacked this week. At an Association of Colleges' press conference, they confirmed he gets 3 months salary, his car, his mobile phone and - apparently - no AOC inquiry into his corruption.

FURTHER EDUCATION - THE FORGOTTEN SECTOR CANNOT BE IGNORED

As 1998 dawns and the January term commences, it seems there are some still fighting to keep Further Education as the forgotten sector of the state education world. But try as they may, after several turbulent months in the national headlines, FE Colleges are firmly on the political agenda at last.

In December, Roger Ward of the Association of Colleges has "been relieved of his duties". Throughout 1997 stories emerged, here in South Yorkshire & elsewhere, of Colleges rife with high handed management, nepotism, & sleaze, and of poor management of public funds. A sad picture emerged of unhappy teachers, undervalued & de-professionalised and of a business ethos which defined students as mere "funding-units". November saw disputes at Doncaster and Dewsbury Colleges. Also last month, John Cryer MP who initiated a debate on Further Education in the the House of the Commons, reported in a debate on FE, that "thuggish behaviour by Principals and Chief Executives is widespread". He should know. Among his mailbag that week was a letter from a "senior manager" at Doncaster College. He was so worried that he did not want to reveal his name, but he wrote to Cryer: "how intolerable he found the atmosphere of bullying & intimidation and the principal's habit of slamming down on people who were at variance, even if only slightly, with his views on running the college".

It came as no surprise to New Labour watchers that it took an MP from Hornchurch in Essex to highlight the distressing problems of an FE College in

South Yorkshire.

But, surely, it couldn't be that Doncaster College, its governing body and the FEFC quango which funds it would have the gall to remain silent? Could they really remain impervious to the concerns voiced on the floor of the House?

Of course they could! After all, those of us voicing our concerns - we're just a bunch of lefty lecturers and journalists making all this fuss! This is the stock response of College managers. But Doncaster College Principal, Terry Ashurst, did speak to the Doncaster Star. He claimed that he had never been a bully in all his years in education. Perhaps so. But he must realise, after the disgraceful way the Yorkshire police force treated his own daughter (in a well known harassment case which reaped a well-deserved compensation sum - one of largest recorded) that harassment does not just take the form of physical bullying. Sometimes it is institutionalised and much more sinister and widespread.

Indeed a Doncaster College internal report, at the end of last term, had this to say about "low morale" - "staff feel there is now autocracy rather than participative management with only pseudo-consultation" and "They're very close to the edge and often near to tears".

At the General Educator conference in London on 6th December, however, there was much laughter & hilarity. Lecturers met to discuss the future of post-16 education. Farcical stories emerged of plans to electronically tag FE lecturers at one college, of bugging at another &, at Wigan & Leigh College, a familiar tale of

"myopic management". Two key speakers were trade unionists, Pat Walsh and John Giddins. Walsh won an historic compensation from Accrington and Rossendale College this year. Giddins is challenging his sacking from Doncaster College and his industrial tribunal will take place in 1998.

Sacking trade unionists is a very common theme. These lecturers have become reluctant martyrs. College Principals might think they are ridding themselves of dissenting voices, but in fact the reverse is often true. There seems to be no more effective way of mobilising lecturers' criticisms against their bosses than to dismiss those who speak collectively for them.

College Principals must end the year with a heavy heart at the grim press headlines. Some appear determined to keep buried the hitherto silent scandal of the further education sector. But FE lecturers & students can begin 1998 with great optimism - knowing that, despite a conspicuous lack of support from College Governors, the FEFC and some New Labour MPs, their voice has been heard by a determined few. The debate is now on the floor of the House of Commons, in Hansard, and firmly in the public arena.

ZOE HARDY

If you want more information, you can contact me on tel: 01777 709523, fax

01777 860922, email 106026.3173@compuserve.com.

Or write to Canal Cottage, Green Mile, Retford, NOTTS DN22 8JL.

(Zoe is a journalist researching into Further Education. She has lectured part time at Doncaster College. She is helping with the "friends of John Giddins" campaign.)

Gillian Evans

Press interest in Gill's case continues. Update readers may have seen a story by Lucy Hodges in the Independent, Education +, 15.1.98.

Record damages for Asif Kureshi

Asif Kureshi, lecturer in law, has received record damages of £43,560 for racial discrimination by the University of Manchester. The industrial tribunal took the unusual step of awarding him £1320 in damages against an individual, Professor R Brazier.

The tribunal found that each act of discrimination compounded the previous one and thus created a sense of "accumulating injury" and a "global injury to the feelings suffered by Dr Kureshi".

It noted that "whenever the applicant raised equal opportunities issues within the university, he was not taken seriously" and "there was hostility and antipathy to his concerns.... Yet the issues he raised - professional appointments, minuting of non-professorial meetings and anonymised script markings - were eventually taken up and procedures changed."

The tribunal stressed that, despite the fact that most of the evidence for the university was given by professors of law, "high academic achievement was not synonymous with common sense or a perception and understanding of equal and fair treatment of all persons."

Asif was, prior to the remedies hearing, promoted to reader in law.

The I.T. was held on 13.11.97 at Birmingham; case number: 01359/93.

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LECTURERS UNION FOUND GUILTY OF RACIAL DISCRIMINATION AND VICTIMISATION

The London North Industrial Tribunal has backed a claim by a lecturer of Iranian origin that he was racially discriminated against and then victimised by the National Association of Teachers in Further and Higher Education (NATFHE).

Between 1992-96, Mr Farhad Shahrokni sought NATFHE's assistance with a case of racial discrimination against his employer, Kingsway College. Throughout, NATFHE refused to provide him with any meaningful assistance, both at local Branch and National Executive Council (NEC) level. Mr. Shahrokni's complaint was against a white member of the same Union.

The Tribunal found 'that the Kingsway College NATFHE Branch operated and maintained a policy or practice to deny the Applicant (Mr. Shahrokni), a member of its Branch, any meaningful assistance in his race discrimination/victimisation complaints against Dr. Eames a white Branch member'. Mr. Shahrokni was told by the Branch effectively to, "drop your race and victimisation complaints against Dr. Eames, in order to enable us to resolve our differences by working in harmony rather than through the Tribunal route." The Tribunal found this 'to be a deliberate act of victimisation' and also that, 'there was no collective will on the part of the Branch to even try to assist' Mr Shahrokni.

The Tribunal also found that 'the Support Sub-committee of the NEC of NATFHE established a policy or practice to the effect that it would not provide representation at Industrial Tribunal hearings or

Employment Appeal Tribunal (EAT) to a NATFHE member who alleged race discrimination or victimisation by another member'. This resulted in racial discrimination against Mr Shahrokni as the operation of this policy benefited his white line-manager who was a member of the same Union and against whom Mr. Shahrokni had a complaint of racial discrimination.

Mr. Shahrokni is a lecturer in Mathematics and Computing and has worked at Kingsway College for the past 15 years during which time he has been discriminated against on many occasions. Mr. Shahrokni said "at that time there was a culture of dishonesty at senior management level of Kingsway College, particularly over issues of racism which permeated to all levels". Since Mr. Shahrokni's original complaint of racial discrimination and subsequent Tribunal findings, the senior management team at Kingsway College has changed significantly.

Mr Shahrokni added, "the tribunals are set up so that parties in dispute can come to it without legal representation and present their case. NATFHE chose to spend 10's of thousands of pounds of members' subscriptions on legal fees, paying a barrister and a firm of solicitors to defend themselves in a case that was totally indefensible. Yet, on many occasions they refuse to represent members in their tribunal cases against their employers due to lack of funds. I hope they come to their senses and provide meaningful representation to all members".

Mr Shahrokni was refused assistance by the Commission For

Racial Equality for his case; he subsequently had to prepare and represent himself in a five week Industrial Tribunal hearing.

John Fernandes, Chair of the Council for Academic Freedom and Academic Standards, said "the significance of this case is that unions need to question the quality of support they provide in cases of racial discrimination. A disproportionate number of cases currently undertaken by some racial equality councils and law centres share similar features in that unions are not providing meaningful assistance to their members' claims of racial discrimination. This case serves a vital reminder to unions of their responsibilities to their members and I hope unions take note that the Race Relations Act also applies to their activities".

Notes

Mr Shahrokni had to make more than 10 applications to the Industrial Tribunal for complaints against both his employer and the Union, and had to resort to the Employment Appeal Tribunal to gain satisfaction.

The General Secretary of NATFHE was ousted from his post a few months ago and the election of his successor has recently been completed.

Previous cases taken by Mr Shahrokni against Kingsway College for racial discrimination
One case in 1990, settled 1991
Three cases in 1992 and 1993 succeeded in 1994
Two cases in 1995, settled in 1996.

The National Association of Teachers in Further and Higher Education (NATFHE) has 70,000 members in 729 branches - 148 in 82 universities, 460 in Further Education (FE) Colleges and the CAFAS Update 18 1998

remainder in local education authorities (LEAs). Its membership comes from lecturers and management grade staff in adult and FE institutions in England (including the Channel Islands and the Isle of Man), Wales and Northern Ireland.

The National Executive Committee (NEC) is the principal executive body of NATFHE. It is made up of members who are elected annually from sectoral regional constituencies by the ordinary membership. Three places are reserved for Black members who are elected by the whole membership. There is also one reserved place for a woman from each region.

Decision of London (North) on: 14-17, 20-24 and 27 to 30 January, 3 February, 17-18, 21-25, and 28 July; 29 July 1997 (Tribunal only, in Chambers).
Chairman: Mr PRK Menon.

The majority decision of the Tribunal is that the first Respondent (NATFHE) discriminated against the Applicant on racial grounds and victimised him contrary to sections 1 (1) (a), 2 (1) (a), or (c), or (d), 11 (3) (a), (c), and 32.

Case Nos: 11880/96; 44988/96

Amir Majid - Britain's second blind judge

CAFAS member, Dr Amir A Majid, currently Barrister at Cloisters Chambers, London, and Reader in Law at London Guildhall University, has become only the second blind person in the UK to be selected as judge. He has been appointed part-time

Immigration Adjudicator and will be the sole judge presiding over cases such as political asylum, spouse entry to the UK and other immigration issues.

John Wall, Royal National Institute for the Blind Chairman and Britain's first blind judge, said, "This decision recognises that blind people are just as able to undertake important civil duties as people who are fully sighted."

In *Disability Now* (December 1997), Amir said on the implications of his post, "A judge is such a serious duty. I will have to decide whether a man's wife should be allowed into the country or someone else should be thrown out. It is important that the person whose case is presented to you has the sense that he or she had a fair crack of the whip. The person must not think I could have done better if I was not blind. That is the last thing I would want and I will be working very hard to give meaning to this role."

He was also clear about the need of disabled people for a universal change in attitude, "where people are open minded", rather than a legal change in order to achieve a real difference to their lives.

Members may recall Amir's struggle for promotion at Guildhall. An industrial tribunal found, in 1995, that he had suffered racial victimisation.

The Crossbow Report

In a prefatory letter to a report by Crossbow Research on *The Lecturer's Job*, * Liz Allen, Head of Higher Education, noted that:

* 21% of lecturers have their workloads imposed, with no consultation with colleagues or managers.

* 84% of lecturers favour increased administrative support as a key ingredient in controlling their workload.

* Over three quarters of lecturers said they needed limits not only on their lecturing hours but also on the number of students they teach, and they need some recognition of the work involved in assessment.

* 30% of lecturers take half, or less, of their holiday entitlement. This goes up to 43% of those on fixed term contracts.

* 43% of lecturers in the new universities are undertaking research which counts towards the Research Assessment Exercise.

* However, while the majority undertake other forms of research, a third of lecturers have no time at all for any form of research or scholarly activity.

* 83% of lecturers thought they would be worse off if their national contract was negotiated at local level instead, and there was virtually no support for an old-university style open ended contract."

* *The Lecturer's Job: A survey of Conditions of Service in New Universities and Colleges of Higher Education*, commissioned by NATFHE The University and College Lecturers Union, Prepared by Liz Batten and Maria Skinner of Crossbow Research, August 1997.

NOTICES

Policy Planning Group

meets on
Saturday 31st at 11.00

in the Student Union bar
1st floor
Malet St. London
(SU is next to Birkbeck
College)

to discuss pressing public
policy issues.

Those who expressed a wish
to be on the working party
please come. All members
welcome.

Committee

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Agenda for 31 January

1. Minutes
2. Matters arising
3. Officers' reports
4. Constitution debate
5. Case reports

There will be an officers' meeting
in **Room E110** at 1 p.m.

Informal lunch and chat from 12
noon in the nearby cafeteria, first
floor Students Union building,
Malet Street. All welcome.

NB Room change to E110, first
floor, extension wing (next to the
Students Union building).

Please send letters on any issue,
news items and short articles to:

CAFAS Update

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Disks will be returned.

CAFAS Council for Academic Freedom and Academic Standards

PATRONS: Professors Geoffrey Alderman (Middlesex), Elizabeth Anscombe (Cambridge), Michelle Barrett (City), David Beetham, Leeds, Jennifer Birkett (Birmingham), Noam Chomsky (MIT, USA), G A Cohen (Oxford), J B Derogowski (Aberdeen), Ray Dils (Reading), Michael Dummett (Oxford), Terry Eagleton (Oxford), Chris Freeman (Sussex), Peter Geach (Leeds), John Griffith (LSE), Reuben Hasson (York, Canada), David Howell (Manchester), Richard Hyman (Warwick), J F Lamb (St Andrews), David McLellan (Kent), T J Reed (Oxford), Hilary Rose (Bradford), Steven Rose (Open), James Sang (Sussex), John Saville (Hull), Phil Scraton (Edge Hill), Stan Smith (Dundee), John Westergaard (Sheffield)

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: Dr K Moloney: 01202 595 354; 01202 418 363; kmoloney@bournemouth.ac.uk . **Please photocopy this application for membership and distribute it among your colleagues.**

Send to CAFAS Membership Secretary: 39 College Street, Grimsby DN34 4TN

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 please send to your bank
To (name & address of your bank).....
Your Bank Sort Code.....Your Account Number.....

Please pay CAFAS the sum of.....every year from (date).....Signature.....

For Bank Information

Account: CAFAS Sort Code: 30-95-46 Account No: 0824135
Lloyds Bank plc, Swansea Branch, PO Box 66, Swansea SA1 3AP

Postal ballot on the proposed CAFAS constitution.

Members will know from the Autumn Newsletter that the proposed constitution was put to them for their acceptance or rejection. Unfortunately, due to a mishap, the postal ballot form was not included in that Newsletter. The meeting of November 15 therefore agreed that this deficiency should be rectified and that the ballot form should be included in those copies of the Winter 1998 Newsletter which go to paid-up members.

1. Re-read the proposed constitution and the surrounding text which argued for and against a constitution in the Autumn 1997 Newsletter, the one before the current Newsletter in which you found this form.

2. The ballot question is:

'Do you agree that CAFAS should adopt the proposed constitution published in the Autumn 1997 Newsletter?'

3. Put a cross X in the appropriate box: Yes

No

4. Return this form now to the CAFAS chairman at his home address: John Fernandes, 76 Bois Hall Road, Addlestone, Surrey KT15 2JN. John is acting as returning officer.

5. It should reach him by noon on Friday, January 30, the day before the next CAFAS meeting in Birkbeck College, Malet St., London on Saturday, January 31 at 2pm.

(This form has been drawn up by the Secretary Kevin Moloney on 16.12.1997.)