

CAFAS Update No 6

2nd June 1995

Next Meeting:

Saturday 10th June 2 - 4:30pm
The Library,
Red Lion Square,
Holborn,
London WC1
Nearest Tube: Holborn

Thomas Gradgrind Award

The following is an excerpt from the speech made by the Chair of *CAFAS* at the awards ceremony for the coveted **Thomas Gradgrind Award for Services to Education** for the 1994/5 academic year. This prestigious award, named after the inspiring figure of this name in Dickens' *Hard Times*, is made annually to the Vice-Chancellor, Principal or other senior official who in the view of the judges most exemplifies the new values in higher and further education.

"The race for this glittering prize was particularly exciting during 1994. Two early front-runners were deprived of victory by outside interference. One favourite was Swansea's Principal, who saw himself as the director of a company and declared that the critics should be sent "up the road"; but he went up the road himself after interference from the Queen. Another was the Principal at Thanet College, Broadstairs, who sagely decided that the best way of dealing with a lecturer subjected to racial abuse was to investigate his teaching methods; but he was obliged to take some abuse himself, this time from an Industrial Tribunal.

The lead was then seized by the Principal of Lambeth College, London, much-admired for deciding to sack a lecturer who suggested, insanely, that there is pressure in FE to pass sub-standard students; but he found the going too heavy.

That left only two serious contenders, both Vice-Chancellors at polyversities. At the end of the day, the judges were unable to separate them. The 1994-95 award is therefore shared, and the deserving victors are Anne Wright at Sunderland and Kenneth Barker of De Montford.

Faced with complaints from the local council about a lecturer who criticised their marketing policy, Anne courageously decided to threaten him with the sack; while Kenneth distinguished himself by suspending a lecturer on grounds of ill-health without finding out whether the man was actually ill.

It would be hard to find two better examples of the Managerial skills required in the dynamic world of modern British education."

The Amir Majid Case

An Industrial Tribunal has unanimously decided that London Guildhall University subjected Amir Majid, barrister and Senior Lecturer in Law at Moorgate, to discrimination by way of victimisation, contrary to the Race Relations Act, 1976, on four occasions over three years. The IT also found that the University had acted in bad faith. The Commission for Racial Equality represented him at the IT.

Dr Majid was denied justice by the university in the settlement of an earlier case of racial discrimination. Instead of promoting him to Principal Lecturer as promised, LGU discriminated against him by setting criteria for PL posts which it knew he could not meet. The Times Higher Educational Supplement reported (19.5.95) that when he took steps to meet the criteria, his efforts were secretly sabotaged by his Dean of Faculty (who received an 87% vote of no confidence from staff in a NATFHE survey conducted through the Electoral Reform Society).

The Society for Black Lawyers says, "It is remarkable that when the [IT] was pending for the hearing, the University did not discontinue its victimisation." Dr Majid commented, "The only way LGU can put matters right is to promote me to a Principal Lectureship. Additionally I am entitled to compensation for loss of salary and for the anguish and hurt inflicted upon me in the last five years."

LGU will have spent large sums of public money in defending the indefensible in a total of 21 days in IT hearings plus time spent in the High Court and Court of Appeal. In spite of NATFHE's efforts to mediate in 1994, the Provost (92% vote of no confidence from staff) "was not willing to take any effective action to bring this dispute to an end." Dr Majid approached the

Provost on a number of occasions but received dismissive responses.

Makbool Javaid, Chair of the Society for Black Lawyers, commented,

Those practising in the racial discrimination field know how heavy the burden of proof is to establish causes under RRA 1976. This unanimous verdict raises very serious issues of public concern because generally reputed 'liberal' and 'fair-minded' academics have been found flouting the principles of decency and fair play. The misconduct detailed in this judgement displays that the mechanisms of enforcing race equality laws should be vigilant about any myths of liberalism in academic institutions.

This case illustrates further the decline in standards in the management of the publicly funded education system. Of particular concern to all are:

1. the appointment of Dr Majid to the post of PL and compensation for his suffering.
2. the action the university will take against the victimisers.
3. the full cost to the public of this discrimination by way of victimisation.

Members are urged to write to:

Professor R Floud

Provost

London Guildhall University

117 Houndsditch

London EC3A 7BU

Dr Alan Lafferty, Natfhe Co-Com Chair

London Guildhall University

41-71 Commercial Road

London E1 1LA

The Case of Iris Brooksbank (2)

Iris Brooksbank's appeal to Buckinghamshire County Council against dismissal has now been postponed until 4 July 1995 (See *CAFAS Update* 8.3.95). It was scheduled to end on 29 March but two days were adjourned due to the death of the BCC's solicitor and the inability of the NATFHE Rep to be present. The Appeal Panel had ruled that the hearing should proceed even though Iris was unrepresented, but pressure from *CAFAS* members forced them to give way. It took the BCC's barrister seven days to present the Council's case.

Iris was dismissed for 'gross misconduct' in December 1994. According to the Davies Report (1994), this could include "conduct of an immoral, scandalous or disgraceful nature...such as to render the person concerned unfit to...hold...office." (p11) Iris' alleged offences of participating in the production of a leaflet and failing to follow minor instructions are trivial. What is most disturbing is the failure of BCC to make public the reasons for her dismissal. This has placed in the public mind the notion that Iris could have committed a really serious offence. The BCC has also refused to give the Dept for Education the reasons for

her dismissal. The DfE has asked *CAFAS* to inform them of the outcome of the hearing.

According to Bucks Free Press, it is felt that the real reason for her dismissal is her successful campaign to keep open the Adult Education Centre of which she has been Head for the past 11 years. The Bucks Free Press has, since July, been testimony to the high level of public support for Iris, and has published *CAFAS* letters.

On top of the injustice of the case is the lamentable timescale involved. Iris was suspended in July 1994, dismissed in December, the appeal began in March and has been spread over five months. No-one should have to endure this torture.

The BCC was recommended for abolition in the reorganisation of local government. That recommendation was overturned as a result of a campaign led by Lord Carrington, and others, in Buckinghamshire. The retention of the BCC is facing a legal challenge by way of judicial review. *CAFAS* has written to Lords Carrington and Gilmour, all the Bucks MPs and the Secretary of State for Education, Gillian Shephard, impressing upon them the serious breaches of academic freedom and natural justice in this case. Iris will have to be reinstated if justice is to be done. **Members are urged to write to:**

Crispian Graves,

Chair of the Education Committee,

Bucks County Council,

County Hall, Aylesbury, Bucks HP20 1UZ

Mr K Ross,

Chair of Bucks County Council,

Cromarty House, 2 Cherry Rise,

Flackwell Heath, High Wycombe, Bucks HP10 9PS

What is Education for?

The Bradford conference was deemed to be a great success by those who attended, although the number was less than had been expected. Colwyn Williamson in his plenary set the theme for the two days. With more students and less staff, how was it possible that qualifications were improving unless standards were lower?

The Workshops were many and varied, with many of the academics wanting a return of the "Ivory Tower model" used by David Beetham, and a concern that the heady days of 1968 had not materialised but had resulted in the "Utilitarian or Managerial model" of the 1990's.

The academics from higher education with their dislike of the changing world within academia were made aware by participants of the very different view of teaching at the FE level where many of the new HE methods were originally introduced and tested. The FE

lecturers faced heavy workloads of 25 hours teaching + considerable administrative duties, this ensures they are under too much stress to consider the academic issues.

The students were critical of the tenured staff, they saw that issues of increased class sizes and shorter contact time as reducing their learning experience and considered that the lecturers were "wimps" in not standing up for themselves or the students from their privileged position of job security. They were also concerned that semesterisation and modularisation would have the effect of reducing student power still further, and as the tenured lecturers were not prepared to fight, thus while academics might moan, changes could continue to be introduced unopposed.

When the issue of credentialism and the discreditation of degrees was raised, a participant who, after discovering adult education, had acquired a degree questioned whether this perception was because the masses were now able to obtain an education.

The conference closed with a consideration of education outside the establishment.

CAFAS Appointments

At the AGM the following appointments were made:

Chair John Fernandes
76 Bois Hall Road, Addlestone Surrey KT15 2JN
Secretary Michael Cohen
University College Swansea SA2 8PP
Case Co-ordinator Colwyn Williamson
University College, Swansea SA2 8PP
Treasurer & Update compiler Sara Brown
39 College Street, Grimsby DN34 4TN
Membership Secretaries Geraldine Thorpe & Pat Brady, 7
Benn Street, London E9 5SU
Data Collection Secretary Gill Evans
Faculty of History, West Road, Cambridge CB3 9EF

The meeting agreed that in future only quarterly meetings would be held.

It was agreed to put resolutions re the provision of legal aid at the NATFHE & AUT conferences and that **CAFAS** would be represented.

Report on AUT Resolution

At the the National Conference of AUT last month the following resolution was passed nearly unanimously:

"Council congratulates The Council for Academic Freedom and Academic Standards (**CAFAS**) on its outstanding role in defending academic standards and freedom across higher and further education. Council instructs the executive committee to give financial and general support and encourages all local associations to affiliate to **CAFAS**."

Database topics

The following is a list of topics on which material for the database is welcome, with the addition of anything else anyone thinks might be useful.

- Themes which it would be good to get political parties thinking about with a view to getting them into their manifesto:
- Points where the law is inadequate, unsatisfactory or unhelpful and needs revision + points where the law is helpful to individuals, but may not be widely known.
- Procedural issues including grievance, disciplinary, appeal, appraisals and promotions. Regulations on these from institutions so that we can make comparisons and known abuses and inequities.
- Problems with teaching and research assessment

Akin to these problems are the failings of institutions to follow those procedures, and these may include:

- lack of objectivity and disinterestedness of those running disciplinary procedures
- inconsistency in application of the institution's rules
- construction and application of rules retrospectively
- inadequate qualifications of disciplinary officers
- patterns of escalation
- the offer of money in return for silence - gagging clauses

In addition it would be useful to have examples of good and bad practice:

- breaches of natural justice
- breaches of law occurring internally within institutions in their handling of cases
- misuse of public funds (e.g. to pay for lawyers for the institution but not for the individual)
- breaches of medical confidentiality

Accusations of:
bringing the institution 'into disrepute'
'gross misconduct'
'failing to cooperate'
'refusing to accept authority'

All information should be sent to:
Dr G R Evans,
Faculty of History
University of Cambridge
West Road, Cambridge CB3 9EF

Membership Fees

It would be helpful if you could renew your membership by Bankers Order. This can be done by completing the Bankers Order form overleaf and sending it to the membership secretaries. If you use a telephone banking service you can phone and they will arrange it for you. We rely on volunteers to administer the membership and collection of fees and would appreciate it if you could aid us in reducing the amount of paperwork. It allows us to spend more time helping academics in need, which we see as our primary function. Thank you in advance for your co-operation.

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

Research assessment: as strange a maze as e'er men trod - John Griffiths

All available at £1.50

Also available:

Sir Michael Davies: The Davies Report: the 'great battle' in Swansea Thoemmes Press, 1994 Price £4 (£3 to *CAFAS* members)

from: *CAFAS*
The University,
Swansea SA2 8PP

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

Sara Brown
39 College Street,
Grimsby DN34 4TN

Patrons

CAFAS is bringing together a body of eminent academic patrons willing to associate their names with our objectives and to assist in specific cases of victimisation. Those who have so far agreed are Professors John Griffith (LSE), Michael Dummett (Oxford), John Westergaard (Sheffield), Peter Geach (Leeds), Elizabeth Anscombe (Cambridge), Noam Chomsky (MIT), John Saville (Hull), David McLellan (Kent), Geoffrey Alderman (London), Steven Rose (Open), David Howell (Manchester), Richard Hyman (Warwick), Hilary Rose (Bradford), Terry Eagleton (Oxford), Stan Smith (Dundee), Michèle Barrett (London), J F Lamb (St Andrews), Jennifer Birkett (Birmingham), G A Cohen (Oxford), Ray Dils (Reading), J B Deregowski (Aberdeen), T J Reed (Oxford), Chris Freeman (Sussex) and Phil Scraton (Edge Hill).

Membership Fees & Affiliation

Photocopy this application for membership and distribute it among your colleagues. If you haven't yet joined yourself, could you pay your membership fees. Try to get your local AUT or NATFHE to affiliate to *CAFAS*. Please complete the form below.

Send to *CAFAS* Membership Secretaries, 7 Benn Street, London E9 5SU

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.....

Signature.....

Please pay *CAFAS* the sum ofevery year starting on (date).....

For Bank Information

Account: *CAFAS*

Sort Code 30-95-46

Account no: 1868136

Lloyds Bank plc, Swansea Branch, PO Box 66, Swansea SA1 3AP