

Union undermines the defence of sacked Australian academic

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20 April 2001

Having refused for six weeks to mount any defence of sacked Wollongong University Associate Professor Ted Steele, the National Tertiary Education Union (NTEU) has belatedly issued a national industrial bulletin on the case to its members. The contents of the bulletin reveal, however, that the union leadership is trying to block any campaign for Steele's reinstatement.

Steele's dismissal constitutes a serious challenge to academic freedom and the right to free speech. A tenured academic with 16 years' service at Wollongong, he was sacked by the university's vice chancellor, Gerard Sutton, without notice on February 26 for publicly opposing the upgrading of student marks. Steele rejected demands from Sutton to withdraw his accusation that the grades of two honours students were altered within his department against his recommendations and those of an external referee.

The biological sciences professor disclosed the incidents while speaking to a journalist who asked him to comment on an Australia Institute survey of academics nationwide. The study made it plain that Steele was not alone in his concerns. It reported widespread dissatisfaction with the erosion of academic freedom, with many respondents complaining of management pressure to produce commercially favourable research and student results (see accompanying article).

Sutton dismissed Steele in the midst of a campaign by the Australian Universities Vice Chancellors Committee—joined personally by the federal Education Minister David Kemp—to denigrate and discredit the Australia Institute survey, in order to protect the Australian tertiary education sector's \$3.4 billion-a-year market among overseas fee-paying students, particularly from Asia.

Despite the critical issues at stake, the NTEU initially refused to consider mounting any campaign against Steele's sacking. Instead, it proposed to take legal action in the Federal Court and the Industrial Relations Commission for unfair dismissal and breach of the union's contract ("enterprise agreement") with Wollongong University. The litigation could take more than a year and is unlikely to result in reinstatement.

As Steele told the *World Socialist Web Site* last week, the union has effectively left him "in limbo," unemployed and awaiting legal advice. "It is not an encouraging scenario," he

said, given that academic independence was under attack. The central issue, Steele insisted, was that he had been removed for "what I was saying, which was opposing the commercialisation of the university".

Over recent weeks, staff members at Wollongong and other universities have begun to voice concerns about the implications of Steele's case. This has forced the union leadership to change tactics and declare that it "is considering" a campaign "around the issues raised by the university's actions".

On March 29, about 60 staff members attended a union meeting at Wollongong University and overwhelmingly passed a resolution stating that the dismissal set a precedent that "if not fought, is a threat for every member of staff". According to one lecturer who attended the meeting, the resolution was carried after vigorous debate. Some of Steele's biological sciences colleagues and others initially rejected any opposition to the university's actions, arguing that by condemning the internal re-marking process, Steele had unfairly maligned them. The lecturer commented that these differences and previous conflicts with Steele had "blinded them to the absolute principle involved"—that of academic freedom.

The Wollongong resolution also reflected the position of the NTEU leadership. NTEU national president Carolyn Allport attended the meeting and participated in drafting the motion, which failed to name Steele or demand his reinstatement. Moreover, it made no call for a campaign in defence of academic freedom, namely, the right of academics to develop curricula, teach, conduct research, publish findings and comment publicly on academic, university and political matters without fear of retribution. Nor did it mention the key issue raised by Steele—the tailoring of university results to meet market requirements.

Instead, the resolution insisted that any industrial campaign focus on "the fundamental issue" of the university's breach of its agreement with the NTEU by sacking a staff member without a hearing.

The just-released NTEU industrial bulletin has a similar orientation. While paying lip service to the threat to academic freedom, the bulletin foreshadows a public awareness campaign to explain "the dangers to the reputation and integrity of

Australian universities posed by the Vice-Chancellor's actions". The campaign will focus on "the need to honour enterprise agreements and the importance of due process in protecting the rights of staff to speak out on matters of public importance".

The union's position is aimed at diverting its members away from the fundamental questions contained in Steele's case. In the first place, whatever legitimate differences may exist within Wollongong University's biological sciences department over marking standards, these cannot be allowed to overshadow Steele's unconditional right to express differences and to criticise any aspect of university or government policy. This principle becomes meaningless if it does not include the right to advance views that others may strongly oppose.

Most importantly, the union's concentration on the issue of "due process," rather than reinstatement and the right to academic freedom, serves to cover up its own role in creating the conditions for Steele to be sacked in the first place. There is certainly no doubt that Sutton and the Wollongong management flouted every element of procedural fairness by giving Steele no notice, laying no specific charges, providing no hearing and allowing no right of appeal.

But in sacking Steele, management relied upon the enterprise agreement they struck with the union—an agreement that allows the termination of an academic's employment without notice in the event of alleged "serious misconduct". The union document specifically incorporates Section 170CM(1)(c) of the federal government's 1996 Workplace Relations Act, which permits summary dismissal on that ground.

In the agreement, serious misconduct is vaguely defined as "serious misbehaviour of a kind which constitutes a serious impediment to the carrying out of an academic's duties or to an academic's colleagues carrying out their duties". The document also undermines the security of academic tenure more generally. Designed to facilitate the corporate reorganisation of the university, it contains provisions for compulsory retrenchment, redeployment, contracting out and performance monitoring.

Similar clauses can now be found in NTEU agreements throughout the Australian university system. Over the past decade, the NTEU has worked hand-in-glove with university administrations to impose severe budget cuts, close unprofitable or non-vocational courses, orient toward full fee-paying students and adopt corporate management structures and practices. The inevitable result has been mounting commercial pressure on teaching and research.

The latest NTEU membership bulletin's preoccupation with "the reputation" of Australian universities—the very language used by Sutton in sacking Steele—reveals the shared outlook that has guided this partnership. By "reputation" both the union leaders and the university executives mean public image and marketing power. By pointing to the lowering of standards, Steele threatened to undermine the universities' revenue base.

The Howard government has slashed tertiary education funding by some \$800 million a year since 1996, forcing universities to increasingly rely upon private student fees, corporate sponsorship and business research partnerships. Even basic teaching must now be financed from such sources.

For their part, university managements have engaged in cut-throat competition with each other, vying for big business backing and launching their own commercial enterprises. Wollongong University has been at the forefront of this process. For the past two years, the government has named it the country's "University of the Year"—largely due to its success in attracting corporate patronage.

Just two weeks before sacking Steele, the university announced a new \$2.5 million grant from resources giant BHP to fund the BHP Institute of Steel Processing and Products for five years. According to its media release, the university "collaborates with BHP on projects ranging from steel processing metallurgy and coatings technology to management of innovation and technological change". BHP, whose nearby Port Kembla steel plant is Wollongong's biggest polluter, also funds the university's chair of Environmental Science.

These funding agreements inevitably compromise the integrity of teaching and research. And BHP is only the most prominent firm to discover the benefits of holding the purse strings of Wollongong University's academic research. The university's web site boasts of links with a host of mining, manufacturing, computer and communications companies.

From the Colgate-Palmolive chair of general dental practice at the University of Queensland to the University of Western Sydney's chair of gambling research, funded by Aristocrat, Australia's largest poker-machine manufacturer, similar contractual commitments are becoming prevalent at all universities.

Ted Steele's dismissal is a warning that these arrangements and the accompanying political and ideological climate are increasingly incompatible with free speech. His sacking is a test case for the defence of academic freedom and tertiary education itself. Academics, students and all those concerned with public education and democratic rights must demand his immediate reinstatement.



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