

# Australian university refuses to reinstate victimised professor

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Despite a ruling by the Australian Federal Court last year, Wollongong University has refused to reinstate biological sciences Associate Professor Ted Steele, who was dismissed last February for raising allegations that marks were being upgraded to help retain and attract full fee-paying students.

By the time the university management takes its appeal to the Full Federal Court on February 27, Steele will have been left unemployed and without pay for exactly one year and a day. The university's intransigence reveals the extent of its determination to make an example of Steele and intimidate other academics.

Steele made his comments about "soft marking" in response to survey results showing that university teachers nationwide consider that the growing commercialisation of Australian universities has eroded academic standards and freedom of speech. Respondents referred to pressure not to criticise corporate sponsors, publish controversial research or object to lower quality student work.

Having suffered debilitating government budget cuts over the past decade, universities have increasingly turned to big business and full fee-paying students to survive. Wollongong University has become a leader in the competition for new sources of income. The university recently added the telecommunications transnational Nortel Networks to the companies sponsoring its professorial chairs and research centres, a list that is headed by mining giant BHP Billiton. Around 20 percent of the 13,000 students enrolled at the university last year were fee-paying international students, including 1,000 at its Dubai campus in the United Arab Emirates.

For its activities, Prime Minister John Howard announced in August 2000 that Wollongong University

had been awarded the title "University of the Year" for the second year in a row. The New South Wales state Labor government has also praised the university's entrepreneurial style as a model for other tertiary institutions. Steele's victimisation is bound up with management efforts to protect its commercial reputation.

Vice-Chancellor Gerard Sutton summarily sacked Steele, a tenured professor with 16 years service at Wollongong, without any hearing or proper process. One would imagine that such a frontal assault on Steele's democratic rights and the general principle of academic freedom—the right to teach, conduct research, speak and publish without fear of retribution—would provoke an immediate and angry response throughout the academic community.

But so far the university hierarchy has prevailed. Primary responsibility for this state of affairs lies with the local and national leadership of the National Tertiary Education Union (NTEU) which has refused to demand Steele's unconditional reinstatement or to unequivocally defend fundamental principles. Accordingly, the union has failed to call any industrial action to defend Steele, instead burying the dispute in the courts and Wollongong University Council, the institution's governing body.

When Steele was sacked, the union initially refused to conduct any campaign on his behalf, on the pretext that he lacked support in his department. But concerns raised by staff members at Wollongong and other universities eventually forced the union leadership to change tack. A union branch meeting at Wollongong University last March 29 voted overwhelmingly to oppose the dismissal, obliging the union leadership to launch a public campaign.

However, the NTEU leadership insisted that the issue

at stake was not Steele's reinstatement or the principle of academic freedom as such, but the university's breach of its union enterprise agreement in sacking him without the required internal hearing. This became the basis of the union's eventual application to the Federal Court.

Before the case got to court, thousands of academics and their unions internationally, plus several prominent Australian citizens, had condemned the university's contempt for academic freedom and demanded Steele's reinstatement. Nevertheless, in her August 8 judgment, Justice Catherine Branson ignored the basic issues. Instead, she simply upheld the NTEU's argument that the university had breached Clause 61 of its enterprise agreement with the union.

While the NTEU leaders hailed the outcome as a great victory, it left Steele out in the cold. The judge left it open for the university to sack him again, provided it followed the correct procedure.

The university management promptly demanded that Steele undergo a trial under Clause 61, presided over by Vice-Chancellor Sutton or his nominee. When Steele objected to such a "kangaroo court," university officials stalled negotiations and eventually filed a late appeal to the Full Court. On October 8, a union branch meeting unanimously demanded that Sutton "eliminate the climate of uncertainty" among staff and accept an NTEU offer whereby Steele would be reinstated then face a public hearing on misconduct charges.

At the same time, the NTEU leadership told its members that the university's refusal to back down was simply a product of Sutton's bloody-mindedness and that the University Council could be convinced to overturn him. The council is strongly influenced by NSW state government, which nominates six of its 18 members. Another four are appointed by the council itself, leaving a minority elected by staff, students and graduates.

Despite claims by the NTEU that its lobbying had won the numbers, at a meeting on October 19 the council refused to instruct Sutton to drop the Federal Court appeal. Instead, it passed a so-called compromise resolution endorsing his supposed attempts to reach a settlement. After six more weeks of stalling, the next council meeting on November 30 accepted Sutton's report that discussions were continuing with the NTEU, ensuring that nothing would happen before the appeal

went to court.

The NTEU has now told Steele that it will initiate a political and public campaign in the New Year, in the lead-up to the Federal Court hearing. The campaign's content, however, will be confined, as before, to upholding the union's agreement with the university. Even if Steele wins the appeal, the court is highly unlikely to order reinstatement.

Likewise, the National Union of Students leadership has done nothing to raise Steele's case among the national student body. The NUS annual conference last month condemned Steele's dismissal, saying it contained important issues for universities and the public interest, but proposed no measures to defeat it.

Steele told the *World Socialist Web Site*: "My instant dismissal has sent fear and shock waves throughout Australia and has effectively achieved its goal of silencing academics throughout the nation. Even with the best-case scenario—that I win an appeal—the final wash-up is that the damage to freedom of speech is irreparable because no-one is going to want to go through what I've been through.

"[Vice-Chancellor] Sutton has no intention of negotiating a fair outcome. Under Clause 61 of the enterprise agreement, he wants me retried—on the original charges and possibly new ones—behind closed doors by a university committee chaired by his appointee.

"This was, and is, totally unacceptable to the union and myself because this is a 'kangaroo court' or 'Star Chamber'. I am quite prepared to be retried, but it has to be by an independent body, off campus and open to the public. There is no other way I will receive justice."



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