

**Submission to the Senate
Education, Employment and Workplace Relations Committee's
Inquiry into Academic Freedom**

The Australia/Israel & Jewish Affairs Council (AIJAC) welcomes the Senate Education, Employment and Workplace Relations Committee Inquiry into Academic Freedom.

AIJAC's position in this matter is that academic freedom is a right that should be respected, and that the balance between the right of academic freedom and the duty to educate students - as well as maximise excellence in academic research grounded in analytical clarity and quality empirical evidence - is one that can be maintained.

AIJAC supports a strong, independent and vibrant Australian tertiary sector, and sees this as essential to our future success as a society.

Universities fulfil many essential roles in Australian society, including educating the young; training workers for our economy; as sources of empirical research and the development of new technology; as reservoirs of expertise; places to debate and find novel solutions to pressing policy questions; helping preserve cultural traditions; and not least, as the main centre for the exploration of ideas, whether broad and philosophical, historical, or specific and linked to current problems and controversies.

Academic freedom is essential to the success of universities in fulfilling all of these roles - which is in turn essential to the success of democratic, technological and entrepreneurial societies like Australia.

This submission will focus on tertiary-level education, and AIJAC's concern that university students - particularly undergraduate level university students - be educated in a professional, unbiased manner.

Academic Excellence, Values, and Bias

Everyone operates from a system of values and forms opinions about the issues on which they are most focussed and informed. Thus, all academics are properly informed by values in their work and this influences the questions they ask, and the ways that they attempt to answer them. Value-free scholarship is both an impossibility and undesirable in any case. However, this does not conflict with a goal of academic excellence founded on respect for and the pursuit of empirical evidence, nor does it mean that scholarly and pedagogical objectivity cannot be approached as an ideal. In fact, in the social sciences in particular, the goal of most fields of inquiry is to find ways to speak about complex phenomena rooted in human psychology and social arrangements with a degree of dispassion and objectivity based on empirical evidence that can be interpreted similarly by all observers.

AIJAC strongly supports the notion of academic freedom, that is, that university academics should not be constrained in their research and ability to speak out publicly on issues of community concern, whether relevant or irrelevant to their area of specific expertise.

It should be noted however, that while academic freedom, as defined above, is essential and fully supported by AIJAC, the term is occasionally abused to cover other claims. Academics do not have the "freedom" to do absolutely anything

they wish in the classroom setting - there, their freedom must be tempered by the right of students to receive quality, professional teaching which fairly presents the best empirical evidence and fully explores a variety of relevant evidence-based perspectives. Therefore, classroom teaching must be subject to some oversight from within the university.

Nor does academic freedom mean that universities are free from the responsibility to provide accountability for public funds spent on them. Universities must be free, as institutions, from political control of their affairs, but public universities must nevertheless provide accountability for their policies and the results they achieve with public funds. This necessarily means accepting questioning from the government and parliament, as well as the media and other elements of civil society, on their activities and performance.

Similarly, academic freedom does not mean that academics or their views are immune from criticism and scrutiny beyond the academic community, as some have occasionally implied. Academics and universities are an important source for research and the exploration of ideas that affect and spread into the wider society, but once they do so, their work, like that of anyone else in public debate, must be subject to probing debate and scrutiny. Moreover, such external scrutiny and criticism is, in many cases, actually essential to improving the quality of tertiary institutions. During such scrutiny, academic freedom should protect the careers of academics (excepting only cases of proven misconduct), but it does not protect their ideas or work from criticism, nor their reputation if that work is found wanting. Moreover, where an academic participates in public debates beyond the area of his or her expertise, or participates in them in such a way that he or she has essentially stepped outside his or her academic cloak of objectivity, dispassion and professionalism, he or she must expect to be subject to the same rules of the game as any other party to the debate, regardless of any academic title.

Finally, there is such a thing as academic political bias. It consists of allowing one's values and subjective beliefs not firmly rooted in the empirical evidence of the field in question to distort one's analysis and the presentation of research in the field or classroom presentations and discussion. This results in the academic responsibility to attempt to attain empirically-rooted academic excellence in one's chosen field of study becoming seriously compromised. Judgement as to when this occurs is best made by others with expertise in the field in question, but is not limited to those in a university environment.

Such bias can be a real problem where it comes to affect the level of excellence achieved in research and the presentation of that research, the scope of research and inquiry across whole academic institutions, and especially, the presentation of competing theories, interpretations, methodologies and data sets in the classroom.

The problem of academic bias does not justify curtailment of academic freedom (as defined above). It is however, a reason to put in place structures and processes at various levels inside universities to ensure that the effect of such bias is minimised.

This submission focuses primarily on the distinction between objectivity and bias in tertiary classrooms. Obviously, the degree to which teaching focuses on a body of objective, empirically-based knowledge versus a variety of subjective interpretations and narratives will vary across academic disciplines. For instance, in a biology class, the former will obviously predominate while in an English literature class, the latter will more likely prevail. However, AIJAC's position is

that it is possible, even in the humanities or other areas where subjective interpretation is an essential element of the subject, for an academic with strong opinions and values on a subject to teach a course in a manner in which academic objectivity is approximated.

The goal should always be, where possible, for students to learn what can be asserted objectively (and what cannot) based on the best empirical evidence available. In subjects or aspects of a subject where this is more difficult, at the very least, students should feel encouraged to learn and understand the relevant approaches and to express their opinions, whether in class or in assignments, without fear of censure.

All but a very few academics would claim that the courses they teach on any particular subject are academically rigorous and as objective as possible. Whether the students and other academic experts in the field perceive the same qualities is important as well.

There is some evidence that academic bias is a significant problem. The results of a survey of Australian Jewish students were published in AIJAC's monthly publication in August 2004¹. The survey found that 28.6% of students surveyed felt pressure to agree with one-sided viewpoints in class, and that 23.1% believed adhering to a lecturer's bias would result in better grades. A significant minority of Jewish students felt lecturers in their Israel-related courses presented politically biased views. Interestingly, the survey also indicated substantially greater concerns about the situation on campus among students studying at NSW universities than among those studying in Victoria.

These figures are four years old and based on a fairly small sample, and thus not more than indicative. However, they do suggest that bias can exist, and this impression is strengthened by additional anecdotal information that has come to AIJAC's attention in the period since. Steps should be taken to measure accurately the extent of the problem, to ensure the situation doesn't worsen, and hopefully, to ameliorate it to some degree.

There are at least two reasons why a course might be unduly biased; an academic could consciously push his or her agenda, or could unintentionally promote the same, by not being careful enough to avoid bias. For instance, in many fields, especially in the humanities and social sciences, academics can come to believe that views with which they individually strongly disagree are marginal, superseded, or inherently discriminatory, and thus not worthy of serious attention in class. To give one example, there have been reports of some classes that assume or set out to demonstrate the discriminatory nature of certain established intellectual approaches, theories and interpretations, and/or institutions or schools of thought, without adequate teaching of the responses from those who support the approaches, ideas or institutions criticised.

Thus, to reduce the level of bias a student is exposed to, procedures need to be strengthened which:

- a) Develop methods to reinforce in academics the importance of teaching courses in an objective, professional manner; and
- b) Measure, as accurately as possible, whether courses are biased or taught with detached objectivity.

While there is no foolproof way to ensure this level of objectivity within the context of academic excellence, empirical evidence and interpretations in a

¹ See "The Uni Cycle," *The Review*, August 2004.

university subject, there are numerous factors that influence the level of bias. Some of these factors and ways to minimise their impact on the pursuit of objectivity discussed in this submission are:

1. Sources of funding
2. Reading lists
3. Guest lecturers
4. Classroom environment
5. Essays
6. Oversight committees
7. Student politics
8. Staff members

A focus on undergraduate students

AIJAC believes that it is particularly important to ensure teaching methods remain impartial for undergraduates, while this is less of a problem for graduate students. Undergraduates are typically younger and have less developed analytical skills, life experience and knowledge of the empirical basis of the field of study, so their ability to determine what is unreasonably biased, and to see beyond that bias, is lower. Moreover, they are frequently less inclined to express contrary points of view for fear of being penalised or embarrassed by lecturers, tutors or their peers.

1. Funding

Universities are constantly seeking funding from corporate, private and other donors to help them deliver the best education possible. There is no necessary conflict of interest between a donor's purpose in supplying funding and the level of academic independence a university or institution will maintain as a recipient.

Nonetheless, sources of funding - whether they are Australian or foreign companies, organisations or individuals, or a foreign country - can present the possibility that an implicit or explicit demand or pressure for favourable academic treatment be made. Moreover, even in cases where no external pressure is applied, some academics or administrators may feel the need to self-censure to avoid upsetting the donor and risking future funding.

For example, there were concerns raised by some observers when, as part of a funding deal with the United Arab Emirates in 2000, the Australian National University's Centre for Middle East and Central Asian Studies, changed its name to the Centre for Arab and Islamic Studies. Arguably, this changed the focus of the centre from all Middle Eastern peoples and societies to only the dominant religious and ethnic groups in the region, Arabs and Muslims, shifting academic concentration away from the many regional minorities - not only Jews and Christians, but also Kurds, Persians, Turks, Copts, Berbers, Circassians, Assyrians, Baluchis, Druze, Bahais, Zoroastrians, etc, as well as, perhaps, the pre-Islamic history of the region. This is arguably in keeping with the worldview of the UAE government and dominant elite, which very much sees the past and future of the Middle East through the prism of its Arab and Muslim majorities.

To give another example, concerns regarding such a conflict of interest were raised over the last 12 months in a series of articles in *The Australian*² that

² See, for instance, "Muslims attack \$1m Saudi gift to uni," *The Australian*, September 17, 2007; "Top university 'begged' for Saudi funding," *The Australian*, April 22, 2008; and "Saudis cut back Islamic funding," *The Australian*, May 20, 2008.

revealed a Brisbane university requested a large grant from a foreign country's embassy, and gave that country the option of keeping part of its donation secret.

The fear in that case was that the recipient, a centre teaching Islamic studies, would be favourably disposed to the donor, a nation frequently criticised by both Muslims and non-Muslims as enforcing and disseminating a form of Islam sometimes invoked as a justification of violence.

Since donors will generally fund those institutions that conduct research into issues that matter to the donors - and since universities and their various departments and institutions will continue to need donations - potential conflicts of interest *vis-à-vis* donations will continue to cause concern.

To limit these concerns, most institutions already reveal in their annual reports donations received, along with the names of the donors, should the latter approve this practice. However, few interested parties have the time to look through reports from years past to determine the provenance of an institution's resources. Moreover, a donation given in one year may be designed to help fund the institution (or a specific program) for a number of years. If this funding isn't revealed in annual reports throughout the relevant years, it becomes difficult to determine the sources of funding at any point in time.

Ways to address these concerns include:

- A commitment that there be no anonymous donations (either totally or over a relatively small set limit);
- A commitment that recipients of donations (be they universities or specific institutions within universities) publish the details of donations in their annual reports and on their websites;
- A commitment that the details of donations designed to help fund a university, institution or specific program over a number of years be published in the recipient's annual reports and website for the entire period in question, and;
- The development of guidelines limiting the amount of funding university departments or other institutions can accept from any single foreign government or corporate source when their area of study has significant relevance *vis-à-vis* the donor.

2. Reading lists

Most humanities and social sciences students are provided with a list of compulsory and suggested reading for their courses. A reading list is typically constructed in one of the following ways:

1. A book as compulsory reading, with a list of other books or articles as suggested reading;
2. A collated set of scholarly articles or book chapters consisting of compulsory and suggested reading; or
3. A list of scholarly articles or book chapters.

Short of being in a classroom throughout the semester, perusing university reading lists is one of the best ways to determine the likely bias of a humanities subject.

For example, if a course about the history of the Israeli-Palestinian conflict were to provide a reading list consisting overwhelmingly of articles supportive of the

mainstream Palestinian narrative, and others critical of the mainstream Israeli narrative, it would be a fair indication that the subject is being taught in a biased manner.

There is no single obviously acceptable way to improve reading lists, but AIJAC would urge universities to explore ways it might be possible to encourage peer review of reading lists to help provide non-binding suggestions, perhaps anonymously, to maximise objectivity and analytical excellence.

It is also suggested that potential students in a course have reading lists made available to them before electing to take the course, where possible.

3. Guest lecturers

Guest lecturers should not be necessary in any course which is taught in a professional and objective manner, yet many university lecturers seem to feel that in teaching a controversial subject in the humanities or social sciences, only those representing the different parties to a dispute have the “authenticity” to explain their differing “narratives” adequately. However, this is almost never the case.

Nonetheless, where it is decided to employ guest lecturers, it is important to recognise that the provision of different speakers does not necessarily mean balance has been achieved. A guest speaker with a particular agenda will not necessarily (or even likely) successfully cover all viewpoints from his or her ‘side.’

To return to the previous example, in a course teaching the history of the Israeli-Palestinian conflict, if a lecturer who is noted for favouring the main Palestinian narrative invites an Israeli (and/or Jewish) guest lecturer who is noted for being highly critical of the main Israeli narrative, a claim of balance could hardly be justified.

In disciplines where this problem is relevant, AIJAC suggests that guides be developed by faculties or departments to help ensure that guest lecturers are not used as either part of a biased overall course content, or as token window-dressing to cover up otherwise unprofessional, one-sided teaching throughout the rest of the course.

4. Classroom experience

One of the best ways to determine whether a class is biased or not is by asking the students. However, here, as in other areas, determining bias is not an exact science. One student might feel a class was balanced, another that the same class was overly biased or even oppressive in nature.

Generally speaking, students in humanities and social science classes should be encouraged to form their own opinions on subject matter. Students should not be made to feel uncomfortable or fear retribution if their opinions diverge significantly from their lecturer, their tutor or the majority of their classmates.

Students should be encouraged to express any view they feel appropriate, but they should also be expected to back those views with well-researched arguments and evidence.

Most universities already provide students with an anonymous questionnaire at the end of each semester. If this questionnaire incorporated questions asking students if they thought the course was presented in an objective or subjective

manner (with space for details to be provided if necessary), it would be easier to assess the situation over time.

Thus, ways to assess classroom bias include having as part of an end-of-semester questionnaire:

- A question asking students if they felt the lectures were, on balance, presented in a biased or unbiased manner;
- A question asking students if they felt comfortable in tutorials asking questions or expressing views that were different from those of the tutor or the majority of other students, and,
- A question about the balance and quality of reading lists.

Universities should establish faculty and departmental bodies to make sure student evaluations are taken into account, especially if there are repeated complaints over time. However, these bodies should also be aware that such results are subject to manipulation by organised student groups who disagree with a given academic's views outside of class, or who wish to see, not professionalism and objectivity, but a bias toward their own narrative in class.

Tutors

It is important to briefly consider the role of tutors in the classroom experience. Generally speaking, a lecturer has more experience in a subject, and in delivering lectures about that subject, so as to be better able to avoid the pitfalls of bias.

Given that tutors - frequently PhD students - are less experienced, undergraduate students are more likely to be exposed to bias in a tutorial than a lecture. This is especially so given the standard formula where in lectures students largely receive information, but in tutorials, a to-and-fro exchange of ideas takes place. Thus, a student with a minority opinion in a subject where there are strongly-held views might feel uncomfortable expressing his or her opinions - and the tutor might not be experienced enough to realise this and take measures to ensure this doesn't happen.

Moreover, if the tutor is known to favour one side of an ideological debate, a student with a differing idea might feel uncomfortable expressing his or her opinions for fear of being penalised at the end of semester when their work is marked by the tutor in question.

Universities need to encourage lecturers to strongly supervise their tutors to ensure that they encourage free and open debate, and help them avoid the pitfalls of allowing their own beliefs and prejudices to dominate discussion. Tutors should also be assessed by students in this regard in student questionnaires.

5. Essays

In rare cases, student essays or other assignments may be marked overly subjectively if the views expressed therein are contrary to those of the marker.

Universities already have mechanisms in place to help students who feel their essays are unfairly marked - the essays in question can be checked by another academic, preferably one divorced academically from the case in point, to assess whether it was poorly written and/or researched, or well-written and poorly marked.

However, assessing whether students are marked poorly over time is more difficult. The mechanism above only works when students make a complaint. Without a student complaining, the only way academic bias can be determined is to have an otherwise uninterested party randomly sample essays. While such a procedure would help ensure tutors were balanced in their marking, the time (and thus money) involved may make it unworkable. Nonetheless, we would encourage universities to explore this possibility as a way to improve overall performance of their tutors in marking, both to contain potential biases and more generally.

6. Oversight committees

The boards and/or oversight committees of academic institutions are often seen as referees to determine whether the institution is acting according to its founding mandate, which would usually promise a 'fair and balanced' treatment of subject material. Unfortunately, this is almost never the case - such bodies meet too infrequently and have too little idea of the day-to-day processes within an academic institute to play any effective oversight role in respect to bias and professionalism, especially in the classroom.

Nonetheless, concerns may be raised when donors become board members or, as in the following example recorded in *Quadrant Magazine*³, where a board member was picked seemingly to help justify a certain agenda.

The head of a Middle East studies centre at a Sydney university told the *Australian Jewish News* that a new board member was chosen because, "We wanted a Jewish person on the board. We didn't have any Jews on the board and it seemed to be an absence." However, the Jewish board member in question not only appears to have no relevant experience, but is well known, not for his scholarship, but for his anti-Zionist activism. Thus, it appears the decision to appoint this board member was less about *achieving* objectivity, and more about being able to *present* the study centre as objective.

In short, while boards or oversight committees should be selected to include representatives from a variety of professions, experiences and types of expertise, as well as views, they play almost no role in ensuring that coursework presented by staff will be unbiased, and other mechanisms to ensure this should be put in place.

7. Student politics

Student political activism is a fact of campus life and one to be encouraged. Moreover, there are times when the political ideas or actions of student political groups will twin with academics. In these cases, academics are often invited to speak at functions, or otherwise help out. While AIJAC does not view such interactions with unease, it would be concerned if student or political groups were given access to rooms, resources, or the like that other groups, without staff support, were not afforded.

Such a case might arise also when a social or political group that has not been registered by the university as a student group is provided with access to faculty resources by sympathetic members of staff.

³ See "Anti-Zionism in Australian Academia," *Quadrant Magazine*, July 2006.

Another concern might arise if an academic who agrees with the aims of a student group devotes class time - and thus a captive audience - to promote or otherwise advertise the group, its events or agenda - something which reportedly does happen on many campuses.

All these examples would raise concerns among students with minority opinions that they might be socially or academically penalised should they disagree with the academic involved.

To avoid these concerns, academics should agree:

- Not to give university resources to groups not registered with the university, or who would not otherwise have access to those resources; and
- Not to use class time to advertise groups or events of a partisan, political nature.

8. Staff Members

As described above, academic freedom - or the ability of each academic to think what he or she wants and express it freely - is a right which should be protected. How academics teach students has been the primary focus of this submission. While this remains the case, AIJAC believes it is worthwhile examining the issue of staff appointments. There have been complaints in the US that some university department selection committees have become dominated by groups determined to "hire, promote, and tenure" only those who largely share their own views and agenda⁴. AIJAC has heard some anecdotal evidence that something similar may happen in some university departments in Australia.

If a university department, centre, institute or other academic body only appoints academics who find themselves on the same ideological side as the existing members - probably because the members of the department come to believe that all approaches other than that which already predominates are marginal, superseded, or contradict the purpose of inquiry in the field - overall departmental bias will increase. In short, while individual academics with strong political or ideological leanings are not problematic per se, and near-complete academic freedom as to research and speech (outside the classroom) is required, we do have some concern where whole departments or institutes become overly monolithic ideologically and politically.

Excessive departmental uniformity may affect the quality and also the scope of departmental research by failing to incorporate whole areas of potential study which are seen as less interesting for ideological reasons, as well as certain types of research methodologies which are neglected but potentially fruitful. It may also reduce the creativity of the work that is undertaken by failing to encourage researchers to take account of the objections of those who disagree with the specific approach being pursued. The learning experience of individual students will also suffer even if courses are genuinely balanced in exploring all widespread perspectives in a given field, because they will never have the opportunity to interact academically with any genuine advocates of differing approaches (or to pursue honours or thesis projects mentored by experts in these approaches, should they so wish).

⁴ For an article exploring this issue in relation to American campuses, see "How the universities got that way," by veteran American academic Edward Bernard Glick, *The Jerusalem Post*, July 7, 2008

A way to help alleviate some of these concerns could be to encourage university oversight at the higher academic levels. While such a system already exists, the oversight committee should be empowered to take note of the ideological components of a department - especially in cases where the field of study has a strong overlap with contemporary policy debates and political controversies. Most departments and institutes already seek a diversity of areas of concentration and expertise among staff - in these fields, they should also seek a diversity of overall worldviews, philosophical approaches and values.

Where oversight committees find that staff composition in one of its departments does not embody a reasonable range of approaches in the field, it should thus be empowered to make suggestions or, in some cases, block certain appointments.

Conclusions and Recommendations

In conclusion, AIJAC reasserts that the right of academic freedom can and should be balanced with the duty to ensure students - particularly undergraduate students - have access to a quality and unbiased education.

AIJAC recommends that consideration be given to the following ideas and measures:

- A commitment that academic institutions receive no anonymous donations (either at all or above a reasonably small set limit);
- That recipients of donations (be they universities or departments or institutes within universities) publish the details of donations in their annual reports and on their websites;
- That the details of donations designed to help fund a university, centre or specific program over a number of years be published in the recipient's annual reports and website for the entire period in question;
- The development of guidelines controlling the amount of funding university departments or other institutions can accept from any single foreign government or corporate source when their area of study has significant relevance vis-à-vis the donor;
- That students be given space in anonymous end-of-semester questionnaires to assess overall course objectivity;
- That students be given space in these questionnaires to assess whether the classroom and tutorial environment was conducive to learning and expressing different sides of an issue or controversy;
- A commitment from academics that they will not give access to university resources to student or political groups that are otherwise not entitled to such access and will not use class time to advertise groups or events of a political or controversial nature; and
- That university committees overseeing department appointments have the power, especially in cases where the field of study has a strong overlap with contemporary policy debates and political controversies, to assess whether the range of approaches to the field embodied in the department or centre is adequate and reasonable.

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