

Chapter 1

Inquiry overview

Basis of the inquiry

1.1 This inquiry has come as a surprise to many, including to some members of the committee and to the academic community as a whole. Their reaction is best summed up in an extract from a submission to the committee by Liberty Victoria:

While we are genuinely concerned about curbs to academic freedom we are just as concerned about the terms of reference of this inquiry and the fact that the Senate Committee is looking into a matter that has very little merit and seems derived from the arguments put forward by US culture warriors.¹

1.2 Implicit in the terms of reference is that the academic freedom of students is being violated in instances where they are subject to biased teaching and unbalanced subject content. That is an unusual context in which to treat the issue of academic freedom, which normally refers to the right of academics to speak and to publish without the threat of intimidation or legal sanction. The terms of reference suggest that the threat is to be found in the selection of course content offered in universities and schools, and possibly in the way content is presented and assessed. The most commonly cited instances of bias, according to submissions, arise in teaching departments or faculties which appear to be dominated by a coterie of strongly partisan and like-minded academics who institutionalise a prevailing ideology. Submissions from Liberal Students declare that this is no marginal issue.

I am here today to speak about a very serious issue, and that is the severe academic bias that is plaguing our universities. Instances of academic bias extend far beyond ideological prejudices of particular lecturers and tutors. They can be found everywhere. They can be found in whole subject guides and course reading packs loaded with radical left-wing literature, often at the expense of balanced perspectives. They can be found in assessment processes that drive down the marks of outstanding work because of differences of opinion between the student and the lecturer and, most alarmingly, they can be found, as in the case of Macquarie University, in whole blog sites run by university academics that are used as a vehicle for pushing nothing more than misguided ideas about the state of Israel—ideas that border on anti-Semitism.²

1.3 Liberal Students' organisations, who appear to have been the main instigators of this inquiry, and some academics who gave evidence, observe that the prevailing ideology in the social science and humanities faculties in universities is strongly, if not overwhelmingly, leftist. To the extent this may be true, why would it matter? The

¹ Victorian Council for Civil Liberties, *Submission 28*, p. 5.

² Mr Gideon Rozner, *Committee Hansard*, 8 October 2008, p. 94.

issue is whether this has any bearing on teaching and learning, or any effect on the intellectual development of students other than to open their minds to ideas to which they should be exposed.

1.4 The committee believes that the concern of Student Liberals is probably twofold, though this dichotomy is not formally stated in their submissions. The first concern is that course content reflects a preoccupation with issues and ideas which Student Liberals regard as 'peripheral', pandering to sectional and minority interests which do not warrant such study or consideration, and being outside the mainstream set of social or economic interests which universities should serve. Second, it follows from this that there is resentment that all students, most of whom are indifferent to radical alternative views, should be expected to give attention to such matters. Taking it further, there is resentment that more conservative or mainstream content and perspective is either ignored or treated derisively by lecturers and tutors. They take it personally that their world view is apparently rejected in uncompromising terms. Some of these concerns are expressed in this testimony before the committee:

Members of the Melbourne University Liberal Club have been blatantly lied to in tutorials and lectures. One student of a first-year politics students, Global Politics, was told that highly protectionist countries which intervene heavily in the economy experienced higher levels of growth, despite contrary observed statistical evidence freely available in any first year macroeconomics text book, if they wished to check. In the same subject, issues of global economic deregulation are glossed over without explanation. Many tutors seem to have no knowledge of concepts that are as basic as comparative advantage and they are completely unable to confidently explain the effects of trade and interaction between global economic players. This sort of ignorance and the lies that are told to fit in with a left-wing ideology are not what students studying at one of Australia's top universities should have to expect from their academics. Many students are chiefly concerned with university as a means of gaining practical knowledge to use in the work force. Once again, bias of these academics lets these students down. A University of Melbourne law student who wishes to practice commercially is given few subjects that address this presumably fairly common desire. However, they can choose from no less than 15 purely theoretical human rights based subjects, all taught with a similar left-leaning activist mentality.³

1.5 Liberal Students' organisations appear to be exasperated by what they regard as the complacent acceptance of a prevailing leftist orthodoxy in academic life. They have argued that while there can be no objection, to say the least, to the expression of leftist views in all relevant fields of study, it is objectionable that conservative views and conservative ideas and philosophies are ignored by course writers.

...what is of greater concern is that in my time at University, there have been many critiques of economic rationalism in my classes, yet not once

³ Ms Sabine Wolff, *Committee Hansard*, 8 October 2008, p. 95.

has there been anything offered that at the very least outlines the views of Friedrich von Hayek and Milton Friedman, political philosophers that have influenced the way government runs in this country and others, more than anyone else in the second half of the twentieth century. How can students of political science realistically grasp the realities of today without even understanding the ideas presented by these two political philosophers that represent a highly influential school of thought? ⁴

1.6 This may be a fair comment. It would be useful to know the response from the lecturer, but there is no indication in the submission that the matter was taken up or an assessment of the course given.

1.7 The committee has had difficulty in dealing with argument that is highly subjective, and where the evidence provided to sustain the argument is either anecdotal or clearly exceptional. In neither their submissions nor their testimony did Student Liberals describe a state of affairs that suggested any significant magnitude of political bias on the part of academic staff. A number of instances were given, which like the case cited above, could give rise to concern, but the committee concludes that these are isolated instances. They do not represent the 'tip of an iceberg'. There is insufficient evidence to draw such a conclusion. Far more evident was a lack of knowledge that students have of grievance processes.

1.8 The committee also notes that such incidences occur at a time when interest and involvement in political activity by university students is generally very low. If a leftist orthodoxy does prevail, most students would either be unaware of it, or put it down to eccentricity on the part of their lecturers. It is perhaps the observation of this prevailing attitude which provokes such anger among the more politically active students on the right, and who see a need to confront the bias they identify.

1.9 The National Tertiary Education Union referred to the attempt by conservative campaigners to create evidence of left-wing bias through encouraging students to report such incidences on their website. The NTEU's submission continues:

These stories are then published and chronicled as evidence of a systemic problem of bias that is impinging on the academic freedom of students. Quite apart from the fact that many of the examples refer only to students feeling 'uncomfortable' about the views or content being expressed in their classes, which is in no way an indication of bias or a breach of academic freedom, the Union does not believe that the collation of examples resulting from filling in a web based pro-forma constitutes a reliable source of evidence. These incident reports have already been used to direct the terms of reference of this inquiry and as a result have misconstrued the definition of academic freedom as well as undermining its intent.⁵

⁴ Mr Robert Langdon, *Submission 38*

⁵ *Ibid.*

1.10 The committee accepts that it is a legitimate part of the political process for interest groups to lobby for parliamentary inquiries. Threats to academic freedom appear to be matters of concern to higher education interest groups across a wide cross-section of interests. If Student Liberals have legitimate concerns about left-wing bias in courses and those who teach them, the committee needs to see the strength of the evidence. It sees very little in the evidence submitted. Taking the submissions at face value the committee sees indications of a minor degree of gauche or egotistical behaviour on the part of some academics. In some circumstances this might be considered by some competent university authority to constitute unsatisfactory performance. While such behaviour, however, may be described by some students as a misuse of academic freedom, this would assume a very narrow interpretation of the meaning of that concept.

1.11 It will be noted in Chapter 2 of this report that the evidence presented by Liberal Students' organisations and by a number of aggrieved students presents a mixed bag of anecdote and assertion. While the information provided may be true, the committee finds difficulty in interpreting its significance. Even if many more similar stories could be told, they would not amount to much more than a minute sample of student reaction to their experience at university. In other words, the committee does not have sufficient information, and doubts whether any reliable data on teaching or assessment bias could ever be collected.

1.12 Compounding this problem is the fact that the committee does not know the eventual outcome of the complaints that are made in the submissions. It appears that in no case was the matter taken further. One or two make mention of a complaint to the lecturer. None are mentioned as having been taken up through formal grievance procedures. It is a matter of surprise to the committee that students who are active in campus politics have not used channels of complaint which are available to them.

Purging leftist culture in academe

1.13 Some submissions argue that the leftist teaching bias in universities across the social sciences and humanities is so entrenched and pervasive that institutional measures are required to restore 'balance' to what is being taught. This follows the line advanced by Students for Academic Freedom in the United States. Although it is not given much elaboration in submissions, the core proposal is that applications for academic appointments should be vetted in such a way as to ensure that schools, faculties and departments are made up of academics who collectively represent a wide spread of ideas and philosophies. How this could be achieved has not been made clear. It is a view widely criticised across American universities, and in Australia. The local view is best summed up in the submission from Universities Australia, representing the collective views of vice-chancellors:

Universities Australia strongly defends the right of universities to employ academic staff based on academic merit and not based on particular cultural, political, or ideological views. Within disciplines, universities employ academic staff based on the knowledge they possess and the quality of their thinking, not for what they think. Similarly, Universities Australia

defends the ability and obligation of universities to teach students how to think, not what to think, and wishes to express its confidence in students' powers to reach their own conclusions on matters of ideological debate. In a free and democratic society there is no place for external interference in the intellectual endeavours of scholars.⁶

1.14 The committee considers this matter in more detail in the final chapter.

Previous committee inquiries

1.15 The ground traversed in this inquiry was partly covered in the higher education inquiry which resulted in the report *Universities in Crisis*, which was tabled on 27 September 2001. During that inquiry the committee heard of instances of administrative irregularities, breaches of professional ethics, victimisation, and incidences where universities turned a blind eye to cheating by students. It also heard about questionable practices associated with university commercial ventures and tensions arising between managers and academics.⁷

1.16 In regard to this current inquiry, the findings of the committee in its *Universities in Crisis* report on the effects of the increase in the proportion of casual and part-time academic staff are highly relevant. The mentoring of new and inexperienced young tutors and lecturers is a difficult task when they are absent from their faculties for most of a working week, and when the demands on the time of deans and heads of departments have increased markedly. As the committee reports elsewhere, it has a view that much of what is complained about in submissions from students arises from a lack of experience, and, to a minor extent, of professionalism and responsibility on the part of a small number of academic staff.

Academic freedom perspectives

1.17 The terms of reference do not extend to the broad topic of academic freedom, but only with a small and disputed sub-set of what it means. But the committee gives some attention here to main principles of academic freedom to assist general understanding of the issue. According to a study of academic freedom conducted by the Australia Institute in 2001, academic freedom was understood by social scientists participating in a survey to mean the right to 'teach, research and publish on contentious issues; choose their own research colleagues; and speak on social issues without fear or favour in areas of their expertise...balanced by the responsible and disciplined exercise of scholarly expertise.'⁸

⁶ Universities Australia, *Submission 15*, p. 1.

⁷ Senate EWRSB References Committee, 'Universities in Crisis: Report on Higher Education', web site, http://www.aph.gov.au/Senate/committee/eet_ctte/completed_inquiries/1999-02/public_uni/report/b04.doc, accessed 30 June 2008.

⁸ Carol Kayrooz, Pamela Kinnear and Paul Preston, '*Academic Freedom and Commercialisation of Australian Universities: Perceptions and Experiences of Social Scientists*', Australia Institute Discussion Paper No.37 (2001), p. 44.

1.18 The prevailing justification of academic freedom is that universities need this privilege in order to advance scientific and social progress. While universities have a 'conserving' and protecting role in regard to knowledge and culture, they have long been incubators of new theories and the promoters of the orthodoxies of tomorrow. This makes them vulnerable to criticism or attack from those who are threatened by the advent of new ideas. The submission from the Australian Universities Quality Agency makes a strong reaffirmation of views which have been expressed for over 100 years.

Academic freedom is a necessary pre-condition in the development of a knowledge society and in the foundation of knowledge institutions such as universities. Institutional autonomy should be used to create the conditions to protect academic freedom both within the institution and to protect staff from pressures on academic freedom from the external environment. This includes protecting the academic freedom of staff from external government, public or private sector interference.⁹

1.19 The last of the terms of reference for this inquiry direct the committee to consider whether academic freedom should be codified in some kind of charter of academic freedom. Academic freedom in Australia and most other countries is based on convention rather than law, or on common law rather than on statute law. The right to academic freedom as explicitly stated in some employment contracts and implied in others, will be described in the final chapter. A number of submissions argue in favour of some kind of statutory protection of academic freedom. Some academics argue that the courts need to be kept well away from the academy.

1.20 Professor Jim Jackson, who is a widely quoted scholar in this field, notes in his submission that academic freedom is a quite limited doctrine, hedged about with qualifications:

There is no absolute or unqualified legal right of academic freedom in Australian universities. On the contrary, academic freedom carries with it attendant obligations. For example an indignant cry of academic freedom could never justify the dissemination of that which is knowingly false, poorly researched, or the product of negligently prepared or falsified data. These matters are as much the 'enemy' of academic freedom as the university, church, corporation or state which seeks to censor or control the utterances of its academics.¹⁰

1.21 Jackson's submission makes the further point that academic freedom cannot be called on in the case of sloppy work; it must operate within the law and within what are the relevant professional ethical rules; and that an academic must act professionally, which would rule out the bullying or intimidation of students and professional colleagues.¹¹

⁹ Australian Universities Quality Agency, *Submission 17*, p. 2.

¹⁰ Professor Jim Jackson, *Submission 66*, p. 4.

¹¹ *Ibid.*

1.22 Academics value their freedom of expression as highly as ever. In a recent survey of academic opinion carried out in 2001, the Australia Institute found that academics rated freedoms to research, to publish and to teach as highly important. There was a high level of agreement that academic freedom was matched by academic responsibility, with this being defined as an ethical obligation to students, peers and the wider community. As well as applying to individuals, academic freedom also has meaning in a collegial and in an institutional sense. Universities are autonomous, and placing limits on their capacity to set their own priorities for teaching or research can serve to place overt or subtle pressure downwards on individual researchers or teachers.¹²

Academic freedom and quality assurance

1.23 A forward step taken by the Commonwealth during the term of the previous government was the institution of quality assurance procedures. Ironically perhaps, these measures became necessary as a consequence of the adverse effects on quality which resulted from significant funding reductions over that period. High quality is not necessarily equated with high expenditure, but in these circumstances the necessity of raising additional revenue put pressure on standards, mainly because of the need to attract fee-paying students from abroad whose English language skills were insufficient to allow them to handle the normal coursework. Eventually it became necessary for universities to tighten their own procedures to maintain their international reputation. Together they supported the establishment of the Australian Universities Quality Assurance agency.

The Role of AUQA

1.24 An important element in the protection of academic freedom in universities is the quality assurance process conducted by the Australian Universities Quality Assurance agency. This independent body operates in accordance with National Protocols for Higher Education Approval Processes, and broad directives from the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA). AUQA's task is to check each institution's adherence to the National Protocols. These were agreed to in October 2007.

1.25 A key protocol lays down that a university must have a clearly articulated higher education purpose that includes a commitment to and support for free intellectual inquiry in the institution's academic endeavours. It must deliver teaching and learning that engage with advanced knowledge and inquiry, and it must have governance arrangements, quality assurance processes and a staffing profile appropriate to its goals and academic purposes, and academic staff who are highly qualified and active in scholarship that informs their teaching, as well as research. The Australian Political Studies Association has drawn attention in its submission to the

¹² Carole Kayrooz, Pamela Kinnear and Paul Preston, '*Academic Freedom and the Commercialisation of Australian Universities*', The Australia Institute Discussion Paper, no 37, (2001), p. 4.

role of AUQA in enforcing codes of practice which protect students rights as part of quality assurance measures:

Universities' activities are regularly audited and reported on by the independent Australian Universities Quality Agency to ensure the highest academic quality. The areas audited include curriculum content, mechanisms and content of student evaluations/feedback and teaching activities. Students participate in the audits. AUQA's Audit Reports on every Australian university are freely available on its web site, which ensures independent, external oversight of the quality of universities' research and teaching activities.¹³

1.26 In addition, the Department of Education, Employment and Workplace Relations (DEEWR), 'Audit handbook for non self-accrediting Higher Education Providers' (March 2008), provides further protection for academic inquiry in non-self accrediting institutions. It ensures that each institution encourages open intellectual inquiry through its academic goals, processes and services, which reflect the National Protocols.

1.27 The issue of university self-regulation and quality assurance was raised in the discussion paper issued by the Review of Australia's Higher Education, commissioned in March 2008 and chaired by Professor Denise Bradley. The paper suggested that substantial progress had yet to be made in enforcing rigorous quality assurance processes.

Commentators have consistently pointed to the lack of a mechanism in Australia's quality assurance framework to convincingly demonstrate the quality of our degrees. Nevertheless, AUQA's first cycle of audits identified a number of areas where individual universities needed to do more to manage the standards of their courses. But criticisms that the AUQA approach to quality assurance is too focussed on process to the detriment of standards have continued (Slattery, Moodie, Massaro, Chubb, all 2008).

In 2006, AUQA commissioned an independent review of its activities. While the review panel found that its fitness-for-purpose model and peer review approach had been successful, the ministerial council agreed to revise AUQA's objectives to include an explicit reference to quality improvement, and required that audits address the standards being achieved by institutions.¹⁴

¹³ APSA, *Submission 13*, p. 9.

¹⁴ Department of Education, Employment and Workplace Relations, web site, http://www.dest.gov.au/sectors/higher_education/policy_issues_reviews/reviews/highered_review/default.htm#Review_of_Australian_Higher_Education_Discussion_Paper_June_2008, accessed 23 July 2008.

1.28 The committee notes a comment by Mr Andrew Norton a Melbourne commentator on universities, which bears both on the issue of quality and on this inquiry and its narrowly contentious terms of reference:

...there are legitimate questions, I think, about whether self-accreditation leads to sufficient quality control at universities. This has been a sub-text of Labor statements on university standards over some years, and I would not be surprised if we saw some action on it during the Rudd era. If this inquiry could position itself in broader discussion surrounding quality, it could be more bipartisan than leaving it looking like a witch-hunt for leftist academics.¹⁵

1.29 The committee will bear in mind the opportunities it has to monitor the continued evolution of processes which lead to an improvement in the quality of higher education. The committee's point in expanding on this topic here is to emphasise that allegations of academic bias need to be dealt with by universities according to agreed procedures which are regularly reviewed to ensure their effectiveness.

Academic freedom in schools

1.30 There is considerable doubt as to whether the concept of academic freedom applies in schools. The relevant issue there, so far as this inquiry is concerned, is whether there are sufficient safeguards to protect students from what is clearly unprofessional behaviour. Incidences of political bias in the classroom of the kind that are described in some submissions amount to reports on bad teaching. The school curriculum is primarily a state and territory responsibility, although course content which relates to the curriculum is commonly school-based, according to the rules which allow local variations, as, for instance, in the choice of novels to be studied in English courses.

1.31 Instances were given in a number of submissions of allegedly biased teaching. In common with examples of university bias the committee is unaware of what processes of complaint were carried through. It appears that none were in the cases described. It also appears that some submissions were written on the basis of recollection of schooldays, with the benefit of hindsight. This is a rare and very minor issue for schools, particularly compared to the huge task that many of them have in improving literacy and mathematical skills, and in injecting more rigour into the content base of the curriculum. The committee deals with these matters in Chapter 4.

Conclusion

1.32 The committee makes no recommendations in regard to any of the terms of reference to this inquiry. Its members hold a range of views and perspectives. There is a fair degree of understanding of the case put by Liberal Students, based perhaps on

¹⁵ Andrew Norton, at: andrewnorton.info/2008/06/do-students-have-academic-freedom/

some senators having been in this position during their undergraduate days. But there are good reasons for the committee confining itself to an analysis of the limited evidence given, and for making the following broad though critical observations.

1.33 First, it has not been demonstrated to the committee's satisfaction that what is being complained about is particularly significant. That is, it appears to concern only a very small proportion of the student population. Of the 69 submissions received, about 28 came from aggrieved university students. Even 50 times that number would have represented a tiny minority of students in humanities, social sciences and other fields of study most prone to this kind of complaint. There are nearly 530 000 full-time undergraduate students currently attending university. If the problem was as common as it is claimed there would be uproar.

1.34 Second, universities have a role in challenging young people who have not previously been exposed to ideas and opinions at odds with those they have grown up with. Part of the discomfort which has been expressed in submissions from undergraduates results from their encounters with tutors or lecturers, or even their fellow students, who may be blunt and forthright in manner as well as message. There can be no effective way of ensuring that a small proportion of undergraduates will not be distressed by some of their encounters with alternative views.

1.35 Third, universities are autonomous institutions. They have soundly working grievance mechanisms established to deal with complaints from students. According to submissions, there are many appeals about marks and complaints about a range of matters, which indicates that students are not reluctant to complain. Yet there is scant evidence presented to the committee of complaints made about biased teaching. It appears that students pass up opportunities to complain to academic staff. This has not discouraged them from describing their difficulties in submissions to a Senate committee.

1.36 Finally, this inquiry has been mainly an intellectual exercise for the committee. Its report is a record of impressions and assessment of an issue which is relatively remote from policy control or interference from Canberra. Nothing has emerged from the inquiry which invites the reconsideration of current policy, apart from issues to do with effective monitoring of teaching quality. This is a matter for universities, as is the issue of how to deal with tenured but underperforming academics. The committee has no remit to address these issues directly. Universities may note that there are some perceptions about poor teaching but the committee has not identified any tangible systemic problem of bias. The evidence is not there. What the committee has found are isolated disputes which may indicate poor student-teacher relationships, or a lack of sympathy and understanding on both sides.

1.37 In undertaking this inquiry the committee makes clear the limits of the role of governments in relation to academic programs and the intellectual concerns of universities. One witness before the committee advised it that its accomplishment should be restricted to the expression of an opinion. On the whole, the committee has taken this advice.