

# Coalition Senators' Minority Report

## The Right to Academic Freedom

Coalition senators believe that Australia's schools and universities should be institutions characterised by free and open inquiry. This requires university administrators, academics, teachers and students to ensure that the learning environments in our education institutions are places in which a plurality of views is not merely tolerated but encouraged and respected.

Coalition senators consider academic freedom to include the right of all students to express their views and be treated with due respect. This means that all students should be treated fairly in classrooms and in the marking of their assessments. Importantly, all students should be free to express, within appropriate bounds, their political and religious views without fear of adverse treatment. Evidence presented to this inquiry suggests that many students feel expressing their own views could result in unfair treatment. These fears are not always well-founded, but do reflect, in some cases, a culture of ideological prejudice that exists in some institutions.

The need to encourage a respect for different viewpoints does not imply that all perspectives are equally valid. In an academic environment, views must be validated (or invalidated) by evidence that is accurate, fair, balanced and in context.

Coalition senators recognise the concerns of academics in evidence given to this inquiry that academics themselves must have their own freedom respected. Unnecessary government interference into academic research, for example, is an infringement on this freedom. But for the purposes of this inquiry, Coalition senators are principally concerned about the parallel right of students to the freedom to express their views.

The nature of academic freedom was explored during the inquiry. Dr Kevin Donnelly contended:

My view of education is that it should be impartial and objective. It should be disinterested. I do not mean boring; I mean it should be balanced. I would hope that whether it is primary, secondary or tertiary whenever sensitive, political, controversial issues in particular are dealt with there is a willingness to open up the debate and not to close it down, as it were, by presenting a particular view.<sup>1</sup>

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<sup>1</sup> Dr Kevin Donnelly, *Committee Hansard*, 8 October 2008, p. 3.

Professor Sinclair Davidson raised the issue of academic freedom as being viewed by some academics as an absolute right owed exclusively to them.

Unfortunately academic freedom has come to be a term interpreted to mean that academics can do what they like. I think nobody sensible accepts that that is an appropriate definition of academic freedom.<sup>2</sup>

Coalition senators agree that there are appropriate limits on academic freedom. It is not acceptable for academics to do and say whatever they like, no more than it is acceptable for anyone in the broader community to conduct themselves in this way. Academics, like all professionals, are expected to uphold certain standards. As Prof. Davidson put it:

There is a whole range of things that academics need to do to be professionals.<sup>3</sup>

For various reasons, the freedoms of students appear in the minds of some to be of less importance or relevance than those of academics. This is a view not supported by Coalitions. Dr Colin Rubenstein contended that the freedoms of academics are limited and balanced by the freedoms to which students are entitled:

There are freedoms that academics definitely should have but there are also freedoms and rights to which students are entitled. There must be freedom to teach, but I think we often forget that there needs to be a freedom for students to learn in an appropriate environment. Teaching is not preaching and the lectern is not a pulpit.<sup>4</sup>

Coalition senators also recognise that universities are public institutions that receive a large slice of taxpayer funding. As such, there is an obligation on universities to be accountable to the public for these funds. The public also expect that universities deliver on this investment through quality teaching and quality research. As Dr Rubenstein asserted:

Academic freedom does not mean that universities are free from the responsibility to provide accountability for public funds.<sup>5</sup>

Accountability is about more than disclosing how funds are being spent. Accountability means delivering the results expected from the allocation of public funds.

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<sup>2</sup> Prof. Sinclair Davidson, *Committee Hansard*, 8 October 2008, p. 50.

<sup>3</sup> *Ibid.*, p. 51.

<sup>4</sup> Dr Colin Rubenstein, *Committee Hansard*, 8 October 2008, p. 25.

<sup>5</sup> *Ibid.*, p. 26.

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Students also fund universities through their fees. So aside from being entitled to their freedoms in their own right, students deserve a quality product so that they get what they pay for.

Coalition senators observed some sensitivity on these issues. Indeed, they were alarmed at the view expressed that the mere existence of this inquiry may be an infringement on academic freedom:

*Dr Withers—This is because you have not got any cooperation from individual universities— because they are worried about the nature of your inquiry.*

*Senator FIFIELD—Oh, come on.*

*Dr Withers—Why did you not get any submissions?*

*Senator HUMPHRIES—We got plenty of submissions.*

*Dr Withers—We submit to numerous other inquiries; why not this one?*

*Senator FIFIELD—I must say I do find it preposterous that robust, proud, independent academics find the very existence of a parliamentary committee looking into a particular subject area to be so intimidating that they will not make a submission.*

*Dr Withers—The publicity it was given was rather intimidating.<sup>6</sup>*

Dr Mervyn Bendle argued that an “intellectual monoculture” exists in Australian universities and that this “monoculture” contributed to the reaction against scrutiny displayed by some academics:

The effects of this can be largely unconscious and are part of the simply taken-for-granted intellectual world that academics inhabit, which is why they get so offended and defensive when it is challenged.<sup>7</sup>

If academic freedom for academics, teachers and students is indeed flourishing in Australian institutions, then no one should have anything to fear from the fair scrutiny that this inquiry has provided.

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<sup>6</sup> Dr Glen Withers, *Committee Hansard*, 9 October 2008, p. 64.

<sup>7</sup> Dr Mervyn Bendle, *Committee Hansard*, 16 October 2008, p. 9.

## Freedom from Academic Bias

A persistent theme throughout the inquiry was the reports of bias against students on the basis of their political, religious or ideological views.

Whether bias exists and can be precisely identified is a somewhat vexed question. In some cases, bias can be a partially subjective concept. But in other cases bias can be readily identified. As Dr Rubenstein suggested:

I think the bias can be evident, firstly, by the very one-sided nature of the character of the course that is given, the character of the reading that is provided, the nature of the topics that are identified, the limited nature of the evidence that is provided, and the limited methods through which that evidence is evaluated and tested. So far as social science is concerned, all those steps can be addressed in adjudicating whether the rigours of academic inquiry that enable one to draw a line between reasonable open-ended inquiry providing a range of evidence and the standards of empirical procedure are applied, or whether simply very one-sided and limited approaches on all those steps are taken.<sup>8</sup>

Coalition senators believe that inherent in the right of students to academic freedom is the right to be free from academic bias. That is, that students should not be discriminated against in any way because of their religious, cultural, political or ideological beliefs.

But freedom from bias goes further than simply the absence of discrimination. It means that the teaching of courses must be appropriately balanced and expose students to a range of perspectives. Mr Gideon Rozner agreed that courses should:

...ensure that all views or a broad range of views on a particular matter are heard and that different perspectives are given sufficient air time...<sup>9</sup>

The manifestation of bias can and does occur if courses are not taught in a balanced manner. Mr Rozner and Ms Sabine Wolff cited an example from the University of Melbourne:

**Mr Rozner**— ...One example that I can think of, and perhaps it is the most stark example that I have come across in my time, is the subject about contemporary ideologies that was spoken about earlier. This was a subject in which there were about 12 lectures, one of which was dedicated to

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<sup>8</sup> Dr Colin Rubenstein, *Committee Hansard*, 8 October 2008, p. 28.

<sup>9</sup> Mr Gideon Rozner, *Committee Hansard*, 8 October 2008, p. 106.

liberalism and conservatism and the other 11 of which were dedicated to different variations of socialism or other left-wing ideologies. It does not end there. The particular source chosen by the lecturer for compulsory reading on liberals and conservatism was an article from the Monthly magazine entitled, 'Young Liberals in the chocolate factory'. The remainder of the course reader was Marx, Engels and a range of others.

**Senator MASON**—What about John Stuart Mill or Edmund Burke? None of that ?

**Mr Rozner**—No, that is right.

**Miss Wolff**—No, there was not. In this particular course reader, it was an article titled 'Young Liberals in the chocolate factory', and there was very little that was critical of the left-wing ideologies that were put forward in the rest of the course.

**Mr Rozner**—That is right. So the bottom line in this particular subject is that students who wanted to learn more, and perhaps in a balanced way, about contemporary ideologies and movements had the entire liberal or conservative tradition summed up by that article, 'Young Liberals and the chocolate factory', and then the course proceeded through the rest.<sup>10</sup>

Dr Rubenstein identified a problem with resolving bias in that, as he put it:

There is no academic who thinks that their course is biased. The fact of the matter is that, of course, this is a matter of external quantitative judgement. Students would be one source of information about the character of the course, but we are talking about peer review. There are responsibilities. This is public money, these are public institutions and academics are accountable to operate according to the canons of academic discipline and academic freedom.<sup>11</sup>

There is of course no suggestion that academics are not entitled to their own views. However, academics must be careful to ensure that their own personal views are not inappropriately influencing their teaching. As Mr Nigel Freitas put it:

If an academic has a certain viewpoint, they are entitled to that viewpoint, but it should not translate into what they teach. Their duty is to portray a balanced view. I might be an economic rationalist, but in a class on economics I should discuss a Keynesian approach as well as other approaches. That is my duty.<sup>12</sup>

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<sup>10</sup> Ibid., p. 106.

<sup>11</sup> Dr Colin Rubenstein, *Committee Hansard*, 8 October 2008, p. 38.

<sup>12</sup> Mr Nigel Freitas, *Committee Hansard*, 9 October 2008, p. 47.

Professor Jim Jackson points out the obligation on academics to be professional in their teaching, particularly when it comes to distinguishing between their personal and professional views:

Acting professionally also requires an academic to disclose when the academic is simply voicing an opinion as opposed to a fully researched position...<sup>13</sup>

Coalition Senators agree with the notion put forward by some witnesses that there is not enough diversity present amongst teaching academics in Australian universities. As Dr Bendle put it:

What I am suggesting is that there be greater diversity. What I am attacking is what I see as an intellectual monoculture. In another age this could be a fascist far Right intellectual monoculture and it would do just as much damage to our society as a left-wing or far Left intellectual monoculture. It is not so much the politics of the thing; it is the fact that it is an intellectual monoculture, that it is one voice being heard over and over again unrelentingly. There is not enough diversity.<sup>14</sup>

When such a culture exists, the existence of bias can hardly be surprising.

The committee discussed at length the nature of bias, which can be direct and indirect. Whilst direct bias can be more obvious to the objective observer and perhaps easier to deal with, entrenched cultural bias is a more indirect form of bias which, like any existing organisational culture, is difficult to change.

The existence of an 'intellectual monoculture' in some parts of the university and school sectors referred to by Dr Bendle is considered by Coalition senators to be of great concern. Such a culture will inevitably breed group think and a more subtle and pervasive form of bias.

Cultural change and the promotion of a greater diversity of views will only come when institutions acknowledge that a problem exists. They must then take steps to actively change their organisational cultures.

## **Evidence of bias**

A key threshold question facing senators in this inquiry has been: what is the evidence of bias on Australian campuses?

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<sup>13</sup> Professor Jim Jackson, Submission No. 62.

<sup>14</sup> Dr Mervyn Bendle, *Committee Hansard*, 16 October 2008, pp. 13-14.

A number of academics that gave evidence to this inquiry contended that bias, if it did occur at all, was at the most very rare. Yet a large number of examples of academic bias were presented to the inquiry. Coalition senators found denials of bias unconvincing in light of the ample evidence to the contrary.

Dr Ben Saul argued that:

That there are so few complaints in such a large sector may well be a testament to the reality that the system works generally pretty well.<sup>15</sup>

Coalition senators do not support this view. The inquiry heard evidence from students which suggested the existing complaints mechanisms in universities are not effective in terms of dealing with issues of academic bias. This is because in some cases students are afraid to make a complaint for fear of reprisal, because they lack knowledge of the complaints process available to them or they have no confidence in the existing processes.

Mr Joel Burnie told the inquiry that:

It is important to know that if students make a complaint about a lecturer they feel as though their marks might be changed, manipulated or analysed. They do not want a lecturer to have their eyes on them for the rest of the unit. If a complaint comes, the essence of confidentiality is not there. If you make a complaint about a lecturer or a tutor it is up to the university to confront the lecturer or tutor about that; it is as simple as that. So the lecturer or the tutor will know that the complaint came from a student and they will probably know who the student is.<sup>16</sup>

Professor Brian Martin highlighted an issue with students refraining from complaining if they perceive that other students who complain are dealt with harshly. In other words, the existence of records of only a few complaints does not prove the absence of a problem. As Professor Martin put it:

I would say bias is a real problem, but I would say there is another thing, and this relates to the actual whistleblowers versus the impact on others. If one person speaks out and gets attacked, everyone else does not speak out: they are too afraid because they saw what happened. That is the bigger problem...<sup>17</sup>

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<sup>15</sup> Dr Ben Saul, *Committee Hansard*, 9 October 2008, p. 11.

<sup>16</sup> Mr Joel Burnie, *Committee Hansard*, 8 October 2008, p. 36.

<sup>17</sup> Prof. Brian Martin, *Committee Hansard*, 9 October 2008, p. 5.

Joshua Koonin related his experiences as a student:

When writing essays for political science students, as well as in class discussions, I have also consistently felt intimidated that if I express views other than those which are all but completely dominant among tutors and lecturers...that my marks will suffer. As a result, I have seldom done so. Given that few students appear, in my opinion, to deviate from the views expressed by lecturers, I can only conclude that others are likewise doing so.<sup>18</sup>

The committee heard a good deal of evidence suggesting that students deliberately tailor the expression of their views to match those of their lecturer, as there is a strong perception that offering up views that are different to those of the lecturer will result in poorer marks. Dr Donnelly made the point that:

...the reality is that even tertiary students have to pass examinations; they have to pass their papers; and they often have to work in an environment where they feel, when I talk them, that they are not able to give their view. They are more mirroring what they think the tutor or lecturer wants to hear.<sup>19</sup>

Dr Mark Lopez gave evidence that he runs a tutoring business specifically coaching students to understand what their teachers want them to say and then to repeat it back to them in their work. As Dr Lopez put it:

To deal with the bias, I show my students how to create a psychological profile of their examiner, so everything they put in their essay can be calculated to pay a dividend in grades.<sup>20</sup>

The committee heard evidence suggesting that perceptions of academic bias could largely be a result of students being disappointed with their marks in comparison with what they had been receiving at school. Dr Gelber contended that

I think that is one of the explanations as well for their perceptions of poor marks, especially when they first arrive at university. It is true to say that students search for explanatory factors for marks that are below their expectations that may not rest in their own work. I think that may also contribute to perceptions of prejudice and bias.<sup>21</sup>

Whilst unhappiness with marks may be partly due to the factors described by Dr Gelber, one would expect this factor to diminish over time. By their second semester,

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<sup>18</sup> Mr Joshua Koonin, *Submission No. 27*.

<sup>19</sup> Mr Joshua Koonin, *Submission No. 27*.

<sup>20</sup> Dr Kevin Donnelly, *Committee Hansard*, 8 October 2008, p. 6.

<sup>21</sup> Dr Gelber, *Committee Hansard*, 9 October 2008, pp. 22-23.



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new students are presumably familiar with the marking system at university and how it differs from that used at secondary school.

Coalition Senators are of the view that academic bias is not an issue that can be dismissed as a rare occurrence. A number of witnesses gave evidence putting the strong view that far from being a minor problem that occurs only occasionally, academic bias is a significant and systemic problem in our universities. Dr Donnelly told the inquiry that he

would argue that it is not just a concern about the odd episode, if I could use that expression, or the odd case; I would say that it is systemic.<sup>22</sup>

Mr Freitas argued that

Academic bias is a systemic problem in the education system, and it poses significant threats to intellectual diversity in this country.<sup>23</sup>

Dr Bendle responded to scepticism about the systemic nature of academic bias with the comment that

When you look at the textbooks, at what actually happens on the ground and at what kids are taught in the schools, when you go to the conferences and listen to what is discussed, and when you read the titles of the papers that are presented at conferences and that appear in the various academic journals, you will find that there is a preoccupation with gender, class and race that squeezes out a whole range of other things that we really should be talking about as well. There is not only a preoccupation with those topics but also a very predictable focus or direction that these discussions take.<sup>24</sup>

In addition to those examples already cited, the inquiry heard of a number of disturbing examples of academic bias detailed by witnesses and submitters.

Mr Burnie told the inquiry of the anti-Israel bias he experienced at the University of Melbourne:

One lecture was set aside for the Arab-Israeli conflict and it was again taught by a guest lecturer who was also a tutor of the unit who openly stated that Israel was an apartheid state. She also made sure that everyone knew she was a member of the Friends of Palestine and that she was promoting the

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<sup>22</sup>Dr Donnelly, *Committee Hansard*, 8 October 2008, p. 3.

<sup>23</sup>Mr Freitas, *Committee Hansard*, 9 October 2008, p. 41.

<sup>24</sup>Dr Bendle, *Committee Hansard*, 16 October, p. 9.

group in the lecture. She was also able to promote a video in a different lecture— this is a different political science lecture. She was able to come in at the start of the first five minutes and introduce a video called ‘Occupation 101’, for which she had organised a viewing at Murdoch University.<sup>25</sup>

The committee discussed at some length the experience of Senator Mason’s visit to a Queensland school at which a picture of Mao Tse-tung was displayed in a gallery of historical figures identified as “freedom fighters.” Mr Peter Martin’s nonchalance at this is considered by Coalition senators to be illustrative of the bias problem.

**Mr Martin**—You cannot write Mao out of history.

**Senator MASON**—No, but he was portrayed as a freedom fighter. They were the words right above his picture, so let us get it right.

**Mr Martin**—But again it depends on the context.

**Senator MASON**—Yes, sure. But you see the problem.

**Mr Martin**—Not really.<sup>26</sup>

When secondary school students are taught that a leader who ordered the deaths of millions of his countrymen is a “freedom fighter,” that is academic bias at its most blatant.

Coalition senators wonder whether Mr Martin would have been as cavalier if Adolf Hitler had been described in a Queensland school as a “freedom fighter.”

A further exchange illustrated the debate about a highly contentious topic in Australian history, that of whether an Aboriginal genocide took place. Mr Andrew Blair stated:

It would be fair to say, and I think it is generally acknowledged now in this country, that the teaching of history was very white biased for a great number of years in Australian schools. We would understand that. We all recognise that. We are now talking about the realities of genocide in Australia of Australian Aboriginals within history.<sup>27</sup>

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<sup>25</sup> Mr Joel Burnie, *Committee Hansard*, 8 October 2008, p. 35.

<sup>26</sup> Mr Peter Martin, *Committee Hansard*, 8 October 2008, p. 86.

<sup>27</sup> Mr Andrew Blair, *Committee Hansard*, 8 October 2008, p. 87.

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Some of the Australian literature on this topic is revealing. Mr Keith Windschuttle cited the 2001 edition of the academic journal *Aboriginal History*, whose editors, Ann Cuthoys and John Docker of ANU asserted:

Settler colonies like Australia, New Zealand, South Africa, Argentina, the United States and Canada, led the way in setting out to achieve what the Nazis also set out to achieve: the displacement of indigenous populations and their replacement by incoming peoples held to be racially superior.<sup>28</sup>

Mr Windschuttle cited the case of Ward Churchill, a former professor of the University of Colorado. Mr Windschuttle told the inquiry that the writings of Mr Churchill were the basis of much of the Australian literature on the topic of Aboriginal genocide.<sup>29</sup> However, Mr Churchill was later found to have engaged in academic fraud.<sup>30</sup>

Mr Windschuttle explained the implications for the teaching of genocide in the Australian context as follows:

...those Australians who have relied largely upon Ward Churchill as their principal guide to the propensity of the British settler societies to commit genocide should withdraw their accusation. No-one, however, should hold their breath waiting for this to happen. Rather than climb down from their position, their track record indicates that these Australian academics can be confidently predicted to stick with it no matter what. Their prime interest in affixing the genocide label to Australia is not the application of scholarship or the pursuit of truth but the political mileage they think can be gained from the charge. They subscribe to the same political agenda and research methodology that has ended in Churchill's disgrace. They too behave as though the difference between scholarship and political polemic does not matter.<sup>31</sup>

The teaching of such a contentious view of Australian history, with legitimate questions about the philosophical underpinning of such a view and the evidence to sustain it, carries many pitfalls in terms of balancing alternative, more traditional views. Coalition senators see little evidence of that balancing occurring. Coalition senators are not confident that the teaching of such a view is being balanced with the more mainstream views of other historians.

Mr Rozner told the committee of a political science course at the University of Melbourne in which:

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<sup>28</sup> Mr Keith Windschuttle, *Committee Hansard*, 9 October 2008, pp. 69-70.

<sup>29</sup> *Ibid.*, p. 70.

<sup>30</sup> *Ibid.*, pp. 70-71.

<sup>31</sup> *Ibid.*, p. 71.

...students were advised to avoid reading broadsheet newspapers, such as the Age and the Australian, and instead read the publication Le Monde. As I understand it, Le Monde is a very radical left-wing publication and clearly biased. If Le Monde is the main source or prism, if you will, through which students view certain issues, of course there will be a very biased outcome from that.<sup>32</sup>

Mr McCoy gave evidence that another University of Melbourne academic, Dr Verity Burgmann:

...maintains a website called the Reason in Revolt project, which aims to 'bring together primary source documents of Australian radicalism. By radical we refer to those who aim to make society more equal and to emancipate the exploited or oppressed. The project lists a large number of radical academics.' So those are people who, through their academia, are seeking to effect social change.<sup>33</sup>

Coalition senators respect the right of academics to conduct themselves freely outside of their working environment. However, academics should be aware that if they post publicly accessible material online, it is likely to be accessed by their students. Academics behaving as professionals ought to be conscious of that and take it into account. The attitude of students to their course and their teachers may well be influenced by this material, even though it is not officially taught material in the university.

A further instance is the blog maintained by Macquarie University academics known as *Khaldoun*. Coalition senators believe the views expressed on this blog would be deeply offensive to the Jewish community. Nevertheless, the blog is not an official university website and, in a free society, individuals should be free to express such views. However, the academics involved should give careful consideration to the impact that such conduct can have on the university's reputation and how students taking classes taught by these academics might feel, particularly Jewish students.

Mr Lachlan Williams detailed a further example of academic bias, again involving Dr Burgmann:

I took the subject 'Modern Political Thought' in the second semester 2002, taught by Prof. Verity Burgmann. The political theories of liberalism, Marxism, feminism, anarchism, syndicalism, communism, nationalism, fascism, socialism, social democracy, conservatism, neo-liberalism and environmentalism were covered. Pointedly, I recall that the lecture in

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<sup>32</sup> Mr Gideon Rozner, *Committee Hansard*, 8 October 2008, p. 99

<sup>33</sup> Mr Noel McCoy, *Committee Hansard*, 9 October 2008, p. 48.

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relation to conservatism was not delivered. Prof. Burgmann told students that it would not be covered in class and that it would not be subject to assessment ... She made absolutely clear to the full lecture hall of over 500 students her clear disinterest and distaste for the political theory of conservatism. It was a shameless display of intellectual arrogance.<sup>34</sup>

Many other submitters detailed their experiences of academic bias. Coalition senators consider the weight of evidence suggests that academic bias is a significant problem in Australia's education institutions.

### **The impact of bias on teaching standards and quality**

Apart from infringing on the academic freedom of students, academic bias can impact adversely on teaching standards and quality. As Mr Rozner pointed out:

What I will say is that perhaps there is significant overlap between issues of bias and issues of quality. In my personal view, going back to the example I mentioned earlier about the contemporary ideology subject, when students enrol in a contemporary ideology subject and finish it not knowing any of the works of Adam Smith or John Stuart Mill or Milton Friedman or any of the great thinkers of our time, that is a significant quality issue...<sup>35</sup>

Coalition senators note the subsequent correspondence from Professor Glyn Davis, Vice-Chancellor of the University of Melbourne, which details that the subject to which Mr Rozner referred is being replaced in 2009 with a more balanced approach.<sup>36</sup> This is a welcome development.

Witnesses drew a link between academic bias and literacy and numeracy outcomes. They suggested that universities are having to respond to poor standards of critical skills such as English language, demonstrating the consequences of losing focus on teaching basic skills that should be mastered by every Australian student before they graduate from secondary school. Mr Freitas made the point that

...academic bias is damaging and harmful to students. There are real impacts here. Just last week Monash University announced that it would have to introduce remedial English classes for their students because they are finding students coming to them 'functionally illiterate', and the question has to be asked: how are students going through 12 years of education and coming out the other end functionally illiterate? If you want to know the answer to that question, you need to take a look at the New South Wales English syllabus, which says:

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<sup>34</sup> Mr Lachlan Williams, *Submission No. 42*.

<sup>35</sup> Mr Gideon Rozner, *Committee Hansard*, 8 October 2008, p. 109.

<sup>36</sup> Prof Glyn Davis, *Letter to Inquiry*, 4 November 2008.

- *How is grammar used to express cultural patterns regarding, for example, differences in power, status, values and attitudes, gender, ethnicity and class?*

What that has to do with nouns, adverbs, adjectives and grammar I do not know.<sup>37</sup>

Of particular concern to Coalition senators is the impact academic bias may be having on the quality of teaching within university education faculties. These faculties play a crucial role in our education system as, inter alia, they train the teachers who will go on to work in our primary and secondary education systems. If these faculties are not of the highest quality, our whole education system suffers.

In particular, Coalition senators express concern at the attitudes of some educators that education is a tool for social change rather than a means of equipping students with the vital skills they need to be active contributors to society.

Mr Noel McCoy highlighted this issue:

I think there does need to be root and branch reform of education departments...The view that education should be a tool for social change along the lines of critical pedagogy or Marxism is, on any objective view, contrary to the principles of a fair and balanced education.<sup>38</sup>

### **Bias and national self-perception**

A further concern is the impact that academic bias in education can have on society. Educators can have an enormous influence on our perceptions of our national identity. As Dr Bendle contended:

...there is a major need to integrate all our citizens into Australian society and to encourage respect for our institutions and values. There is a very high level of need for social cohesion. This is difficult if our universities and schools encourage and promote an intellectual monoculture that involves a view of Australia and mainstream society that is negative and destructive, one for example that promotes the view that Australian society is somehow irredeemably racist, sexist, Islamophobic, genocidal and so on. All of these messages that, I think, we send out work against the high levels of social integration and social cohesion that we need.<sup>39</sup>

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<sup>37</sup>Mr Nigel Frietas, *Committee Hansard*, 9 October 2008, p. 41.

<sup>38</sup>Mr Noel McCoy, *Committee Hansard*, 9 October 2008, p. 50.

<sup>39</sup>Dr Mervyn Frederick Bendle, *Committee Hansard*, 16 October 2008, p. 8.

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## A Charter of Academic Freedoms?

The committee also considered whether a charter of academic freedoms was necessary to combat bias and ensure the rights of both academics and students. Coalition senators though are principally concerned in this instance with the rights of students.

Universities have existing practices which adequately protect against discrimination on the grounds of race, gender, sexuality and disability. Coalition senators consider there to be significant gaps in the protection available to students on the basis of their religious beliefs and political views.

This was the view of the Australian Young Liberals and the Australian Liberal Students' Federation.<sup>40</sup>

The Australian Liberal Students' Federation took the view that existing procedures were inadequate and a charter was required to strengthen the protections available to students against academic bias:

Whilst universities typically have policies and regulations that outline some form of academic freedom, given the frequent instances of bias in Australia's universities, the Federation argues that current policies are insufficient to counter what is a significant problem.<sup>41</sup>

A Charter would need to operate with a framework of reliable, appropriate and transparent feedback mechanisms. Students must be provided with the opportunity to highlight instances of bias and make complaints. Their complaints should be treated seriously and investigated fully.

It is insufficient to provide but one feedback opportunity via a survey form at the end of a course. Opportunities for continuous feedback and complaints must be provided.

To build confidence in the integrity of any mechanism used to investigate student complaints, information should be published online about complaints that have been made and the results of investigations.

On balance, Coalition senators do not support legislating a charter. Instead, Coalition senators strongly support the development of a Charter of Academic Freedoms for the Australian context, based on best practice in protecting particularly students' rights to

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<sup>40</sup> Australian Young Liberals *Submission 33* & Australian Liberal Students' Federation *Submission 61*

<sup>41</sup> Australian Liberal Students' Federation *Submission 61*

religious and political expression, and that this Charter be adopted by all universities as a condition of funding.

### **Steps to eliminate bias and enshrine academic freedom**

Coalition senators believe that the best way to reduce bias and enshrine academic freedom is to promote reform that empowers students through a more consumer-driven approach and increases the intellectual diversity within university departments.

More rigorous oversight of teaching performance, with specific attention to the need to reflect balance in both teaching and course materials, is needed to encourage teachers and academics to focus on these issues and provide genuine feedback avenues for students.

Professor Martin advocated peer review of teaching performance:

...most of us when asked, 'Have you ever visited a class of one of your colleagues?' will say 'No.' It is very rare for an academic to sit in and watch another academic's teaching, whereas on research you publish an article and everyone can read it, and there are referees and it is peer reviewed and so forth. The teaching is an area that does not receive the same sort of peer scrutiny as other areas.<sup>42</sup>

Coalition senators consider that more frequent review by academics of each other's teaching performances would be a positive development. However, the more important feedback is that of the students taking their classes. Universities should introduce additional feedback opportunities for students specifically focussing on academic bias. Students should be asked directly whether they think their political and religious views are respected or would be respected by their lecturer, tutor or teacher.

Universities should also ensure that an anonymous feedback mechanism is in place for students to give feedback or make complaints at any time during their study, not just at the end of a course when feedback forms are normally completed.

Coalition senators were concerned at the attitude expressed to the inquiry that suggested teaching was somewhat of an inconvenience for academics, who consider their main activity to be research.

If you require one million students to be double marked, you need to throw a few extra billion dollars at the higher education system or otherwise

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<sup>42</sup> Prof Brian Martin, *Committee Hansard*, 9 October 2008, p. 6.



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accept the up-costs, which are (sic) we will just be burdened with more administration, less research will happen, and we will be bogged down in spending most of our time teaching. That is already arguably taking up too much time of academics and distracting from the production of cutting edge and important research.<sup>43</sup>

There is no doubt that academic research is an important activity for university academics to be undertaking. But to suggest that teaching is something academics merely get “bogged down” in reflects a disturbing attitude to the central responsibility of teaching in our tertiary institutions.

The community fully expects that the significant levels of public funding that flow to universities are primarily for teaching purposes. Universities and academics need to acknowledge that they are primarily funded and supported to teach students.

Academics must also ensure that they are fully aware of their obligation to be respectful of the views of their students. Mr Burnie related to the inquiry the case of a Jewish student who was addressed as and referred to in lectures as the “resident Zionist.”<sup>44</sup> The committee later discussed this case:

**Senator CASH**—Do you think academics understand that there is a difference between academic freedom and professional misconduct in the classroom, or is the line blurred?

**Dr Gelber**—I think the line is blurred. I do not think we think of misconduct in those terms. I think we think of misconduct as the big things—lying about your research, plagiarising another academic’s materials, misuse of public funds for research—

**Senator HUMPHRIES**—Sledging the students?

**Dr Gelber**—I do not believe there is an actual legal prohibition on that. I am not 100 per cent sure what the legal position is on that, so I do not want to comment any further on it.<sup>45</sup>

Sledging students is never appropriate and Coalition senators were concerned to see academics nonplussed by cases where it arises. In the view of Coalition Senators, sledging of students is clearly misconduct and all academics should be fully cognisant of what is and is not appropriate conduct.

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<sup>43</sup> Dr Ben Saul, *Committee Hansard*, 9 October 2008, p. 12.

<sup>44</sup> Mr Joel Burnie, *Committee Hansard*, 8 October 2008, p. 35.

<sup>45</sup> Dr Katharine Gelber, *Committee Hansard*, 9 October 2008, pp. 31-32.

Coalition senators consider that greater ideological diversity within faculties is desirable to counter the “monoculture” of universities referred to by witnesses.

University faculties should foster a plurality of methodologies and perspectives. There is no way that this can be interpreted to mean that this objective must take precedence over all others, such as ensuring that prospective faculty staff are competent and professional, basing their teaching on evidence. The teaching of falsehoods such as that the Holocaust did not occur or that the world is flat, obviously have no place in any institution.

Many witnesses were clearly of the view that because academic bias was not, in their view, much of a problem, then additional scrutiny and reform is not warranted. Coalition Senators reject this view however. If the problem of academic bias is indeed a small one, then universities and academics have nothing to fear from greater scrutiny. As Mr McCoy put it:

After all, if, as some suggest, things are not so bad, then what is the problem with increased transparency? What is wrong with a charter of academic freedoms?<sup>46</sup>

Ultimately, academic bias is a cultural problem within universities. A cultural shift must occur, with a change in attitudes and thinking. This is not something that will happen by forcing new regulations on universities. It must be a change which universities themselves wholeheartedly commit to delivering.

## **Foreign Funding**

A further issue raised by the Australia/Israel and Jewish Affairs Council is that of foreign funding of universities.<sup>47</sup> The concern raised was that where a university (or more specifically particular schools, departments or centres within universities) receives a donation from a foreign source, that donation could influence the particular teaching or research focus of the receiving entity.

Coalition senators consider that one way to address this issue would be to require all donations over a certain disclosure threshold to be publicly disclosed.

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<sup>46</sup> Mr Noel McCoy, *Committee Hansard*, 9 October 2008, p. 39.

<sup>47</sup> Dr Colin Rubenstein, *Committee Hansard*, 8 October 2008, p. 27.

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## Sedition Laws & Academic Freedom

The Committee also discussed the impact of anti-terror legislation, particularly provisions relating to sedition, on the work of academics.

Coalition senators support strong anti-terrorism laws. Material promoting terrorism and providing instructions on terrorism methods should not be freely available. However, Coalition senators recognise that seditious material can be the subject of legitimate academic study. The interaction between anti-terrorism laws and academic freedom was discussed by Dr Saul:

**Senator MASON**—Is it a common concern among academics that these laws have affected their academic freedom?

**Dr Saul**—It depends when. I think when the laws were first passed, there was a great deal of concern about them. I think quite a bit of that concern has abated over time, particularly in relation to sedition, for example, which is an obvious one. I do still think there are lingering concerns for those who work in terrorism studies. If, for example, you want to interview terrorist groups in the Asia-Pacific, you run the risk of being criminalised under the legislation. I teach passages from *Defence of the Muslim Lands* and *Join the Caravan*—two books banned by the classification review board some years ago under the old classification standard, since revised to prevent the advocacy or praise of terrorism in literature, film and computer games and so. There is a kind of chilling effect. Frankly, it was not good enough for the former Attorney-General to say, ‘Well, if you want to read these books, you can call my office and I will sit in a room with you while you read them.’ There are not sufficient mechanisms in place to deal with that kind of thing.<sup>48</sup>

Coalition senators consider that the development of a Charter of Academic Freedoms should take into account these issues.

### *Recommendations*

Coalition senators recommend as follows:

**Recommendation 1 – That a Charter of Academic Freedoms be developed for the Australian context, based on best practice in protecting particularly students’ rights to religious and political expression, and that this Charter be adopted by all universities as a condition of funding.**

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<sup>48</sup> Dr Ben Saul, *Committee Hansard*, 9 October 2008, pp. 20-21

**Recommendation 2 – That universities conduct a full review of their complaints processes for students to ensure that students are fully aware of all their rights and that the processes provide anonymity and genuine feedback for complainants. These processes should be reflected in the Charter of Academic Freedoms.**

**Recommendation 3 – That universities undertake the regular random sampling and double-marking of essays and exam papers as an additional safeguard against bias impacting on students' marks.**

**Recommendation 4 – That the Government introduce legislation requiring the public disclosure of donations to universities above a certain threshold.**

**Recommendation 5 – That concurrently with the development of a Charter of Academic Freedoms, consideration should be given by the Commonwealth Government as to legislative support of such a charter, including the right of academics to consider and write on issues that might be considered seditious in another context.**

**Senator Gary Humphries  
(Deputy Chair)**

**Senator Michaelia Cash**

**Senator Mitch Fifield**

**Senator Brett Mason**

**Senator Helen Kroger**