

The Senate

Standing Committee on
Education, Employment
and Workplace Relations

Allegations of academic bias in
universities and schools

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Terms of Reference

Reference

The motion to refer this inquiry to the Senate Education, Employment and Workplace Relations committee was moved in the Senate on 24 June 2008. The committee was requested to report by 11 November 2008 (later extended to 27 November), into the current level of academic freedom in school and higher education, with particular reference to:

(a) the level of intellectual diversity and the impact of ideological, political and cultural prejudice in the teaching of senior secondary education and of courses at Australian universities, including but not limited to:

- (i) the content of curricula;
- (ii) the content of course materials;
- (iii) the conduct of teaching professionals; and
- (iv) the conduct of student assessments.

(b) the need for the teaching of senior secondary and university courses to reflect a plurality of views, be accurate, fair, balanced and in context; and

(c) ways in which intellectual diversity and contestability of ideas may be promoted and protected, including the concept of a charter of academic freedoms.

Preface

This reference was given to the committee by a Senate resolution on 24 June 2008 under the title of 'academic freedom in school and higher education'. The title of the report: *Allegations of academic bias in universities and schools* more accurately describes the thrust of the inquiry. Academic freedom is not in question in this inquiry and was given scant attention during the public hearings, except in relation to the idea of charters of academic freedom in the last of the terms of reference.

This inquiry comes as something of a surprise to most members of the committee, as it was for many academics and students in universities. There may have been scepticism about what we would be told, what we could reliably find out, and what conclusions could we possibly draw. From the committee's perspective it appeared as though it was to be called on to play its part in a university revue. The submissions, the performance and the style – to say nothing of the rhetoric – presented by some Liberal Students suggested a strong undergraduate tone. The 'outing' of Left and purportedly Left academics and commentators (masquerading as academics as we were told at one hearing) was in keeping with this tone. None of those outed objected. Some appeared flattered to be named in the company of others more famous. From the evidence provided the committee has managed to draw some conclusions, even though these are not substantial enough for it to make any recommendations.

It is the subjectivity of the issues involving academic bias that make the terms of reference difficult to address. They require the committee to take a particular stance on what would be reasonable to regard as bias, and this is very difficult. The expression of a forthright but one-sided view of an issue by a lecturer or tutor, even if sustained over a whole term or semester, is not necessarily to be regarded as improper or unprofessional. There would need to be other 'transgressions' that went with it. A particular view of the world may not affect teaching quality. Nonetheless, there is evidence that in some very few cases an academic bias may be accentuated through poor teaching, and this should concern departmental heads and faculty deans. That is why a majority of the committee regard the concerns raised by students as one that should be addressed through the processes of 'quality control'. There are procedures in place for universities to deal with allegations of biased teaching.

The committee advertised the inquiry on its website and in *The Australian*, calling for submissions by 15 August 2008. The committee also directly contacted a number of relevant organisations and individuals to notify them of the inquiry, and to invite submissions and appearances before the committee.

1.1 A total of 69 submissions for the inquiry were received as listed at Appendix one. These also appear on the committee's website which can be accessed at http://www.aph.gov.au/Senate/committee/eet_ctte/academic_freedom/index.htm.

1.2 The committee conducted public hearings in Melbourne, on 8 October 2008 and in Sydney on the following day to hear evidence in relation to the inquiry. A

teleconference hearing was conducted in Canberra on 16 October 2008. Witnesses who appeared before the committee are listed at Appendix 2. The committee is grateful to those who made submissions and who agreed to appear before it at the public hearings.

The committee's finding is that in view of the relatively tiny number of submissions received, from the hundreds of thousands of students who are said to be affected, there can be no basis for arguing that universities are under the control of the Left and that this is reflected in course content and teaching style. If there is a Left conspiracy to influence the direction of the nation's affairs and its social and economic priorities through the process of subverting a generation of undergraduates this is not yet evident.

It must be said that the committee processes of the Senate are not at all suited to the kind of inquiry that might have been imagined by its instigators. That is probably less important to them than the fact that the inquiry was held at all. On the other hand it might be argued that as even the most intensive specialist research would be unlikely to reach any conclusion as to the incidence of biased teaching, this inquiry has been as useful as any.

The committee commends its report to the Senate.

Senator Gavin Marshall

Chair

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.

Chapter 2

Academic freedom for students

2.1 Academic freedom has been broadly defined as the right of professionally qualified people to discover, teach and publish the truth as they see fit within their fields of competence. It guarantees academics the right to engage in research, and to be free, independent and critical in the way they work. It is argued that this definition may be interpreted as broadly as is consistent with the entitlement of others to be free from harm caused by academic activity. It is also argued that while such freedom brings with it a duty, the burden of that duty falls on those who must honour those rights. In other words, people have a duty to refrain from interfering with those engaged in academic research and teaching.¹

2.2 This may be an ambit claim, but the protection claimed is clearly restricted to those who are 'professionally qualified'. This chapter looks at the arguments and evidence put forward by Liberal Students' organisations, and by individual students whose political stance is not always clear. It makes only general comments because it does not know the context in which views were expressed. It is also wary of the application of academic freedom rights to those who are not academics in the usually understood sense. The committee notes the view of Melbourne commentator Andrew Norton who has written:

Though there is precedent for the idea of academic freedom for students, I don't think this is a useful concept, especially not for school students or undergraduates. Their main task is to master a body of knowledge, the content of which is to be determined by those with expertise in the field.

In many disciplines, there will be disputes among experts on some issues. As part of learning their subject, students should be made aware of these disputes and able to take a point of view, within the constraints of scholarly argument. But it is reasonable that students be held within established debates rather than able to claim 'academic freedom' to take an idiosyncratic perspective.

The issue here is not the academic freedom of students, but the professionalism of staff. They should make students aware of the relevant debates and not try to force their own views on students by marking down those they disagree with or being rude to them in class.²

2.3 The committee regards this as a fair summing up of the issue. Nothing here precludes the stirring of debate and the robust exchange of ideas. In this chapter the committee has considered perceptions of bias, and whether such perceptions have

1 Margaret Blackburn, 'Academic Freedom and University Ethical Review: Freedom matched by Responsibility', *Australian Journal of Professional and Applied Ethics*, vol. 6, no. 2, pp 13–26.

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

much significance even if it does exist, especially at university where the contestability of ideas is a normal and essential part of learning.

The nature of Liberal Students' complaints

2.4 At its hearing in Sydney the committee was told by the Make Australia Fair organiser:

Senators, ideological and political prejudice in schools and on campus is a reality. As the President of the Young Liberal Movement of Australia, I am one of the few witnesses coming before this inquiry who has direct feedback from students about the issues they face at school and on university campuses. We are here to give a voice to the students, who are so often overlooked in this debate, and I can categorically say that the overwhelming feedback is that ideological and political prejudice is an undeniable reality. Self-serving attempts by ideological warriors to deny bias would be laughable save for the fact that they are taken seriously, including by this committee. As you will see from the dossier, lecturers like our previous witness cannot be taken seriously when they deny bias. To the contrary, they prove the Young Liberals' thesis that bias deniers are usually the worst offenders.³

2.5 The core of the argument presented to the committee by Liberal Students' organisations is that the academic freedom of students is violated by courses which are constructed and presented so as to promote a particular ideological theme or mode of thinking. There is also complaint about lack of balance in course content and the concentration of course offerings on peripheral studies in particular disciplines, in place of basic mainstream content. Such peripheral studies focus on themes that resonate with those who have a supposedly left political stance.

2.6 The committee received 28 submissions from students commenting on the lack of diversity in courses offered and in the choice of texts and readings recommended for those courses. Some of these argued that students were not exposed to alternate views in a number of fields. Others complained about the tone of instruction, the flippant remarks about current political leaders, and the generally intemperate language used by some lecturers and tutors. As will become evident, it is very difficult for the committee to make any useful assessment of the gravity of what is being complained about in many of these submissions. They tell part of a story, or they convey a perception of an event or experience through the eyes and recollections of one person, and the anecdote is often told without context. In some cases, assuming the veracity of the reporting, a judgement may be hazarded, as in the case of the tone of instruction or the behaviour of a lecturer or tutor. More frustrating for the committee is that there is no conclusive ending to these anecdotes. Students appear not to have felt strongly enough at the time to complain, and so the outcome is unclear.

3 Mr Noel McCoy, *Committee Hansard*, 9 October 2008, p. 39.

Therefore, the committee can only make general comment on such matters, as will be found at the end of the chapter.

2.7 The committee notes that there are claims of bias in both course content and teaching, and examples of this follow.

2.8 To begin with, a student enrolled in an international relations course at La Trobe University submitted that the issue of academic diversity and freedom was most relevant in the humanities where interpretation of facts and ideas was often subjective. An instance was cited of a lack of diversity in the required reading for one of the topics being studied in politics:

The topic for the week was Trade Related Aspects of Intellectual Property Rights (TRIPS). Presented were three essential readings for students to complete, as well as a number of supplementary readings they could read at their own discretion. The readings presented a view that TRIPS was unfair on the economies of the third world, using the example of patents on treatments available for HIV. Half a paragraph was devoted to why this may not be true. This is an example of the disproportionate volume of course materials dedicated to one political view over the other. This practice occurs on a wide range of issues discussed in politics classes.⁴

2.9 The committee notes the aggrieved tone of this complaint but such isolated claims of bias, without description of context, provide no evidence that there is much substance in what is complained about. The following complaint is much more commonly expressed, in line with a 'culture wars' argument that the study of history has been exploited by academics who disapprove of a previous emphasis on particular ideas and events as shapers of history.

The arts component of the degree, particularly the modern European and Australian history subjects were riddled with left wing bias. The whole structure of the way the subjects were taught caused me to dislike studying something I had previously loved. The study of 'history from below' as it was called, focused mainly on the impact of significant historical events on the 'masses', rather than what exactly these events were and how they occurred. This Marxist study of history was extremely repetitive, tedious and dull. ... In Australian history I was appalled to hear, in my tutorial, that we should not have ANZAC day because it commemorates a national disgrace (going to war).⁵

2.10 Undergraduates who are either unexposed to political discourse, or who come from conservative backgrounds, may be provoked by such views, which have been aired for decades. It should be noted that commemoration ceremonies for past wars increasingly attract large crowds of young people. There is some comfort for

4 Mr Robert Langdon, *Submission 38*, p. 2.

5 Ms Sasha Uher, *Submission 49*.

conservative students in the knowledge that bias of the kind which is commonly complained about is almost certainly either ignored or rejected.

2.11 A number of submissions indicated that students strongly disapproved of incidental or irrelevant and derogatory references to contemporary political figures. The following submission provides an instance where such comments are said to have been made:

At my first tutorial in this unit of study the tutor opened her remarks with “well thank God the Howard government is gone”. Whilst this statement by itself may be viewed as mere opinion amongst free-minded adult, it soon became apparent that the tutor had a clear vendetta to indoctrinate political views amongst the students. This manifested itself many times in the classroom. When a pupil made the statement that “WorkChoices was good for many businesses”, rather than discussing the point, the tutor made the statement “no, WorkChoices was bad for everybody, no good came out of that policy”.⁶

2.12 One view of this may be that this description, assuming its veracity, should be a matter of concern for the reason that it scarcely measures up to what is 'quality' teaching. It may be argued that academics lose credibility with some students not so much as a result of making known their personal views, or of declaring an interest, but by the arrogant manner in which this is expressed.

2.13 At least three submissions describe what were seen as attacks on Christian belief arising far out of context. In one submission a religiously-minded student has urged the committee to 'do something' about stopping academic staff 'from making unsubstantiated claims based on their own prejudices, and stop intimidating students whose views and beliefs differ from their own.'⁷ In another instance there was complaint about a lecturer who has a topic in his terrorism course named 'Christian terrorism', in which the case of the Oklahoma City bombing was cited as an example of this. The student also wrote that:

In another class on religion I recall the class tutor suggesting that the violent actions committed by the Prophet Muhammad in the Battle of Badar and the battle of Uhud were comparable to the story of Jesus turning over tables in a Synagogue. There seems a tendency on the part of academics when criticising 'minority' religions to also include a criticism of Christianity, even when the comparison is as absurd as the example above.⁸

2.14 A number of specific instances of perceived bias were described in submissions: a student described how in one Gender Studies class she was subjected to the eccentric and extreme views of an ex-Catholic academic re-living the

6 Mr Adrian Pryke, *Submission 11*, p. 1.

7 Mr Darly van den Brink, *Submission 51*

8 Mr Scott Gumley, *Submission 58*

experience of her apostasy;⁹ another complained about the obsession with 'fashionable victim groups' in his education diploma course;¹⁰ and another felt threatened by the constant 'liberal-bagging', jokes and 'Labor-pushing' agenda in lectures.¹¹ It appears that in none of these cases were complaints made.

2.15 In another submission a third year economics student related that in his time at university he had several experiences where he felt that he was ignored, or that the opinions he raised in class were 'battered down' simply because they did not align with the perspective of the lecturer or tutor.¹²

2.16 The committee heard some evidence on how academics regard bias. An academic who appeared before the committee has commented elsewhere:

Now, what would constitute behaviour that is "biased" in teaching my courses? Would it constitute "bias" if I told the students in advance what my personal political beliefs were in relation to issues we were discussing? Would it constitute "bias" if I didn't tell the students in advance what my personal political beliefs were?

This is an open question. It's arguable that declaring one's viewpoint in advance actually reduces the potential for bias. Some academics tell their students if they are a member of a political party. When I teach human rights, I tell students that I am in favour of the protection of human rights. A declaration of viewpoint might occur because the academic does not want students to waste time trying to guess. It might happen because the academic thinks it is ethically responsible to declare one's interest (that's my reason). On the other hand, a decision not to declare might happen because the academic thinks it's no one's business, or because they don't want the students to pre-judge them and close down their critical capacities when the academic speaks. These are also good reasons.¹³

2.17 In the light of submissions about the discomfort some students feel about the teaching they are experiencing, it is interesting to note comment in the submission from the Australian Political Studies Association stating that students' perceptions of bias or prejudice are an extremely unreliable method for determining whether such bias or prejudice exists. The submission continues:

9 Ms Rachel Jude, *Submission 34*, p. 4.

10 Mr Nigel Rae, *Submission 57*.

11 Ms Sarah Barrott, *Submission 21*.

12 Mr Ben Potts, *Submission 10*, p. 1.

13 Dr Katherine Gelber, 'Academic freedom for whom?' *On Line Opinion- Australia's e-journal of social and political debate*, posted 4 July 2008 at <http://www.onlineopinion.com.au/print.asp?article+7584>

A recent study has demonstrated that a student's perception of the difference between their own views and the views of their teachers and fellow students affects their evaluation of the quality of the teaching they receive. The authors show that where a student perceives a difference between their own ideological views and the views of their teacher, they are more likely to evaluate the teaching quality negatively.¹⁴

2.18 Other conservatively-minded students, writing in forums other than this inquiry, provide evidence that balance and civility are still to be found in left-controlled cloisters. As one blogger wrote in connection with this inquiry:

A few years ago I wrote an essay explaining to a left-leaning lecturer (gently, as he is a nice old buffer) that everything he believed about unemployment and public policy relating to it was wrong. He gave me 90%. This is not an isolated experience. Possibly the problem for the Young Liberal students is that many of them are as irrational and narrow in their ideological positions as the lecturers they loathe, and they aren't able to argue their positions in a reasonable way on the basis of logic and facts. If you do that, you'll get a decent mark in my experience, even if the lecturer disagrees totally.¹⁵

2.19 On the same website students with apparently conservative views argue rather differently than those belonging to or affiliated with Liberal Students' organisations about content and bias, and how to 'get on'. For instance:

For most undergraduate courses, if something is written well and has an even half-baked argument, its going to be at the top of the pile in terms of grades — that's generally how things are marked. Worrying about whether you agree with the opinion of the student or whether any arguments presented are even particularly good is the last of your concerns. Just some sort of argument that is well related to the topic and well written is usually just fine. When you are getting into the lower end of the distribution, all you are really looking at is basic literacy (sad but true). Given this, the main concern people that mark these things have is usually getting through the other 50 sitting on their desk.¹⁶

2.20 There must be some question about the extent to which Liberal Students' organisations represent conservative opinion among students. A disdainful tone is evident in letters from bloggers of the same broad political persuasion. As one noted:

As I've said elsewhere, conservatives need to respect academic pursuits and start cultivating bright students into pursuing academic careers. Some problems simply can't be solved by bellyaching and require more complex writing than can be found in a press release. Peter Coleman and C D Kemp

14 Australian Political Studies Association, *Submission 13*, p. 6.

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

16 'Conrad', *ibid*

were the last Australian conservatives who encouraged young conservatives to hone their intellectual skills.¹⁷

2.21 Finally, Professor Sinclair Davidson was asked about the reaction of students to bias. Did they understand it and discount it? Or did they accept it as orthodoxy and take it seriously? The response was:

I think different students have a range of different impressions. I am not convinced that students are as impressionable as was suggested by earlier speakers. A lot of students take everything on board and a lot discount everything. Unfortunately, the argument that bias is important presupposes that students believe everything they hear at university. From bitter experience, I can assure you that that is entirely false; that is not at all the case. It really depends on the individual and it differs from case to case.¹⁸

Student assessment

2.22 For most students, marks are what count. Their tolerance level for alleged bias appears to be far higher than for less-than-expected marks which are responsible for the overwhelming number of students complaints and appeals.

2.23 However, some submissions suggest that assessment of written work was also fraught with anxiety for some students on grounds of political bias, mainly because of perceptions of unfairness:

As a whole, I would say the conduct of most academics at La Trobe University in their assessment of student work is fair and reasonable. However, there have been times I have felt I have been a victim of academic bias; receiving marks for items of work that I felt were undervalued. I understand, however, that assessing such an accusation is difficult, given the lack of an objective standard to examine such claims. ... There are large numbers of students in my experience who would say that their work has been marked down due to the political point of view offered in their work.¹⁹

2.24 Professor John Galligan from Melbourne was asked about his experience of students who complained that they had been marked down because they had contrary view to the lecturer. Galligan responded:

It seems this is coming from sort of right-wing students now. Traditionally in my experience it has come from Marxists and people on the hard left who are much more radical in their rejection of the whole system than are

17 'Andrew Elder', *ibid*

18 Professor Sinclair Davidson, *Committee Hansard*, 8 October 2008, p. 44.

19 Mr Robert Langdon, *Submission 38*, p. 2.

right wingers. But on the whole it is almost as though this thing plays at two levels. As a head of department for some years, most of the grievances you get from students concern more individual matters, such as they have not finished their assessment or they have not got proper consideration for some disability, or something like that. I do not think in my case I have ever had a case of 'My mark was taken down.' Students appeal, and they are very ready to appeal their marks if they do not think they have got the right one. It is often not just a pass, it is an H1 because they are trying to get into the law school, or something like that. But often they feel that their paper has not been properly assessed, and it is usually not on bias grounds. It is usually that the person has not taken the proper consideration of their novel approach or their level of research, or something like that.

2.25 Another academic had this to say:

I believe that there is a relatively common occurrence of perceptions of bias on the part of students. Sometimes that is because they are unhappy with how they are faring in a course; sometimes it is because they are unhappy with their marks; sometimes it is because they disagree with the lecturer. I think those kinds of events are relatively common and it has happened to me.... I think that sustained evidence of actual ideological prejudice—and you are talking about ideological prejudice on the part of a lecturer—leading to lower marks for students is rare. I would never be so foolish as to say it never occurs. I do believe that it is rare, simply because in my time at university I have not seen a complaint of that nature upheld. I have seen complaints occur, but I have not seen them upheld.²⁰

Quality assurance

2.26 The view of a majority of this committee is that what is complained about in the relatively tiny number of submissions made to the inquiry amounts to poor teaching. Bias by itself does not necessarily indicate poor teaching. The teaching may be stimulating because it presents one point of view. The committee has looked closely at the evidence and other sources which detail quality assurance processes in the delivery of university courses, and the procedures set up by universities to allow students to complain about poor teaching, unfair assessment and biased course content.

2.27 AUQA has submitted that the spirit of academic freedom is currently protected by the National Protocols for Higher Education Approval Processes. Protocol A, for instance, states that a university must have 'a clearly articulated higher education purpose that includes a commitment to and support for free intellectual inquiry in the institutions' academic endeavours'. Other relevant criteria under this protocol relate to the delivery of advanced knowledge and inquiry, the existence of quality assurance processes and the provision of properly qualified academic staff.²¹

20 Dr Katherine Gelber, *Committee Hansard*, 9 October 2008, p. 23.

21 AUQA, *Submission 17*, p. 2.

2.28 AUQA auditors normally spend about 5 days at a university once every 5 years, examining a portfolio of documents put together by the university for the purpose of demonstrating compliance with quality assurance protocols. An open session is held with students to allow their views to be taken account of. Auditors also look at grievance procedures. If student comment about bias was recorded it would be brought to the attention of the relevant faculty head or dean. AUQA would make a recommendation about addressing the issue and the university would need to follow it up within 18 months, with evidence that the issue was being addressed.²²

2.29 AUQA have fewer reservations than do other submitters in relating academic freedom to students. It submitted that:

Students must also be aware of the academic freedom they are accorded. Students have many opportunities to research and learn in areas of interest and as they learn to explore and develop divergent opinion this must also be respected and protected as a right to academic freedom. This diverse pursuit of knowledge is how students learn to think independently and to form opinions and debate within an academic context, ultimately contributing to the creation of new knowledge.²³

2.30 The committee noted that the audits conducted so far by AUQA – there have been over 50 since 2001 – do not appear to have uncovered any instance of violations of academic freedom, and certainly not from the perspective of aggrieved students. The committee was told that while student opinion, as expressed in course experience questionnaires, was taken into account by AUQA auditors, the questionnaires do not ask for student opinion as to balance and lack of bias in the courses they are taking. However, students do not 'hold back' in giving their opinions about teaching quality.²⁴ The committee was told that bias in the delivery of course content was not 'coming up' as an issue in meetings between AUQA auditors and students.²⁵

2.31 Some committee members appeared surprised that AUQA was unaware of complaints made about bias by Student Liberals. Apparently, these complaints appear not to have been 'processed'. Surprisingly for a political organisation, there was no attempt made by Student Liberals to at least register a complaint, or organise students to attend an AUQA student forum. The committee noted the efforts made by AUQA to advertise the presence of auditors when they appeared on campus. The evidence that AUQA brings to this inquiry suggests to the committee that there is no real basis for believing that widespread and systematic bias in university teaching exists other than in the minds of students who are aggrieved by what they see as a prevailing leftist orthodoxy dominating academic life and values.

22 Ms Karen Treloar, *Committee Hansard*, p. 20.

23 *Submission 17*, AUQA, p. 1.

24 Ms Karen Treloar, *Committee Hansard*, 8 October 08, p. 19.

25 *ibid.*, p. 23.

University procedures to ensure fairness

2.32 Evidence was given to the committee about the practices in use to ensure the quality of university courses, in regard to curricula, to teaching and in evaluation processes which required the participation of students. Faculties and departments adopted conventions for formulating curricula and for approving new courses. A submission from Dr Ben Saul, an academic at the Sydney University Law School submitted that:

- Universities routinely issue teaching and course evaluation forms to students, to allow students to provide feedback on teaching methodologies and course content;
- New academic staff at many universities are required to undertake courses of instruction in teaching and learning practices, to equip and train them in teaching skills;
- Complaints can be made informally or formally at any time about academic misconduct in teaching or in relations with students.

Collectively, these regulatory measures ensure that university teaching is ordinarily of a high standard and includes sufficiently critical perspectives on course materials. As an academic I have never come across a case where an academic has negatively assessed a student's performance because that student does not share the political or other views of that academic. In my experience, some of the very best student essays or exam answers are those which take issue with the assumptions underlying the selection of course materials or assessment topics, including by criticising flaws in the scholarly publications of the lecturer himself!²⁶

2.33 On the matter of student assessment, the committee heard evidence from a senior academic from Melbourne about the process at work:

Let me mention some of the procedures at Melbourne University; most universities have variations of these. At the Department or School level there are procedures for reviewing overall results, including the spread of grades—a bell curve is not used but there are pretty precise rules of thumb—and show cause procedures, for examination results in any subject before the Head counter signs the return sheets. All high and fail marks are double marked as a check. At the Honours level, theses and individual papers are all double marked with at least one independent examiner. Overall Honours thesis and subject results are pored over at a special meeting of the Department/School as a whole, and uneven marks for particular students examined and reasons sought for noticeable variation. Other Universities have an external examiner who assesses a selection of theses and participates in the final Honours meeting when all grades are finalised—I have done this for University of Tasmania for the last 5 years.²⁷

26 Sydney Centre for International Law, *Submission 1*, pp 2–3.

27 Professor Brian Galligan, *Submission 66*.

2.34 As to student evaluation, Professor Galligan described an additional set of monitoring procedures, whereby all subjects must be assessed by students in an elaborate, confidential process in which they are asked to rank the subject and lecturer on 9 key points, including 'whether the subject was well taught'. The results are sent to departments or schools and to individual lecturers; and published and reviewed by the Academic Board. Those academics with low scores are highlighted and they and their departmental head asked to show cause, and to detail remedial procedures. These scores are considered in the individual lecturer's annual review.²⁸

2.35 In Galligan's opinion the level of monitoring, checking and reviewing tends to be excessive in modern universities. It is far more rigorous than in earlier decades. He argues that it has ensured a higher standard of teaching, 'and cut out much of the reputed casualness and idiosyncratic peculiarities that older generations like to recall about their university experience.' Galligan concludes that consistent lecturer bias and a preference for pet views would be hard to persist with in such a system, and in his view, they do not.²⁹

2.36 The submission from the Australian Political Studies Association pointed out that the remedies for dealing with incidents of prejudice or bias already exist in every university.

In relation to the conduct of teaching professionals, university teachers are subject to regular student evaluations of their courses. The results of such evaluations are made available to university administrators, and individual academics use these results as a means of professional development and self-improvement. Best learning and teaching practice routinely requires university teachers to list explicitly in their course outlines the ways in which they have responded to critical feedback from students in previous years. Continuous course improvement is a university requirement. Finally, the results of student evaluations are used in promotion applications, which are entirely merit based, and evidence of bias or prejudice would be counter to academics' self-interest.

In relation to the conduct of assessments, appeal procedures are in place in every university which permit students to lodge appeals against marks and to argue their case. These procedures permit students to appeal at the school level, then the Faculty level, and finally at the level of the University Senate. It is our view that these existing procedures are more than adequate to deal with any genuine instances of prejudice.³⁰

Conclusions

2.37 The committee finds it difficult to assess the significance of evidence provided by students. The committee remains puzzled as to why it has not been

28 *ibid.*

29 *ibid.*

30 Australian Political Studies Association, *Submission 13*, p. 7.

presented through formal complaints processes rather than to a Senate committee. The main issue at stake here is more likely to be teaching quality. If descriptions in submissions are to be believed, even allowing for imprecise recollection or exaggeration, it appears that there are some, no doubt very few, academics who are impolite and disrespectful to students, or patronising toward them, and prone to egotistical behaviour.

2.38 That may be a breach of professional behaviour, to be addressed at faculty or departmental level. Comment from Professor Jim Jackson can be noted on this point:

One test which may prove very useful in determining whether an academic is acting professionally is to test whether the speech of the academic interferes with either the knowledge discovery and dissemination process or the exercise of an academic freedom right of other academics. ... Speech or writing which is of a bullying nature or constitutes intimidation or severe disruption could constitute a denial of academic freedom in colleagues or students rather than any lawful exercise of it by the academic. Such conduct would have a chilling effect on fellow academics or students who choose to maintain their silence, repeat unquestioningly the “doctrines” of the colleague or teacher or simply avoid the research area for fear of upsetting their aggressive or obnoxious fellow. In this way the manner of speaking may be of more danger to the aggressive academic than what is said, because the manner may portray a complete lack of respect for the discovery and dissemination process and rights of others.³¹

2.39 Finally, the committee note comments from Professor Brian Martin of Wollongong which puts much of the issue surrounding problems of students in a broader context. Professor Martin drew on knowledge about staff problems in order to make some preliminary comments about what most worried students. The most common problems facing academics were interpersonal and organisational, including personality clashes, damaging policies, bullying, patronage and nasty behaviours in the competition for scarce resources. Ideological bias is, in the greater scheme of things, a lesser concern. He continued:

I know enough about the area to know that lots of problems can occur that adversely affect students, such as bias against individuals, bias in assessment, harassment and incompetence. But the prevalence and seriousness of such problems is a matter of speculation. There simply isn't enough sound information to make strong conclusions. ... My impression is that the same patterns apply at the student level. As for ideological bias, no doubt it occurs but it's a low-profile issue for most students. In terms of dissent, the biggest factor for students is their pursuit of grades and degrees and hence willingness to adapt to whatever the teacher wants.³²

The committee concurs.

31 Dr Jim Jackson, 'When Can Speech Lead to Dismissal in a University', *Australia and New Zealand Journal of Law and Education*, vol. 10, no. 1, p. 21.

32 Professor Brian Martin, Additional Information, Tabled Documents

Chapter 3

School education issues

3.1 The terms of reference require the committee to give some consideration to questions of intellectual diversity and to ideological, political and cultural prejudice manifested in the curriculum and the teaching practices current in secondary schools. A number of submissions argue that academic freedom has little or no relevance in the school context. As one submission pointed out:

To elide the differences between senior secondary education and the university is to misunderstand and misrepresent completely the role of the university in academic inquiry, and the role of the academic in university and public life. University education is undertaken by independent researchers who are free (within the broadest constraints of their topic area) to develop their own areas of enquiry and research agendas. Best teaching practice encourages academics to link their research to their teaching. The research-teaching nexus is a well-documented element of best learning and teaching practice, and is strongly encouraged by universities. This has no parallel in the school system, where curriculum content is a matter for consideration by State and Federal governments.¹

3.2 Schools impart foundational skills and knowledge and while this learning is an intellectual process it is not of the kind that would require the protection afforded by academic freedom protocols. Furthermore, the terms of employment for school teachers are quite different to those that apply to academics. The committee presumes that the inclusion of this topic in the terms of reference is for the purpose of revisiting the 'culture wars' topics that loomed so large in the committee's inquiry into education standards in 2007.

Limitations of this term of reference

3.3 The committee is faced with practical difficulties in addressing this issue.

3.4 First, while the committee has made no thorough investigation of its own of the state and territory curriculum documents, it has received no information that would suggest that curriculum documents, including subject syllabuses or school-based subject or course outlines or teaching guidelines, or any other published or accessible teaching documents are based on culturally or politically prejudiced views of the world. Unlike universities, schools place explicit emphasis on values, including moral values, which characterise a pluralist and democratic society. Current curriculum frameworks adopted in all states and territories appear to place uniform stress on these civic and personal values. They are likely to be strengthened under the proposed national curriculum.

1 Australian Political Studies Association, *Submission 13*, pp 3–4.

3.5 Second, it is impossible for a Senate committee, so far removed from the intimacy of teaching and learning activities in the nation's classrooms, to inquire usefully into classroom practices which are claimed to give rise to political or cultural bias. The classroom is a private place. Even principals and heads of departments find it a sufficiently challenging task to monitor the teaching and learning that goes on there. Ultimately, they rely, as does the whole community, on the professionalism, skills and training of the teacher. There is an important role for governments to ensure the continuing improvement in the professional capacity of teachers, but the micro-management of teachers in their classroom is fortunately beyond the capability of governments.

3.6 Third, those few claims that have been made about the extent of political bias in the classroom, and cultural insensitivity and harassment of students by teachers on the grounds of political bias appear to be isolated instances which may well involve personal grievance or dispute. The committee does not say that these accounts lack credibility, but there is no way that a committee can make an assessment of circumstances that are being complained of. Assuming that they are true they appear serious enough to be the subject of complaint at the school level, as they may reveal an unprofessional attitude taken by the teacher. However, the committee observes that that in none of the cases described have the students complained to their principals. Someone so aggrieved as to write to a parliamentary inquiry to complain about their treatment at school could surely be expected to take the matter up with their school.

Politicisation of school students

3.7 While the committee has received few submissions for this inquiry about 'dangerous' tendencies in the teaching of the formal and informal school curriculum, it recalls the 2007 inquiry into school academic standards. Some familiar themes resonate. This section of the chapter reports on some of the recollections of past students and the current experiences of others.

3.8 For instance, one former student of a Catholic school wrote a submission complaining about the content of history courses being dominated by political themes which he apparently considers to be marginal, describing it as a 'killing of history'.² Another complained about the treatment of industrial relations law in her Gold Coast high school.³

3.9 Other submissions indicate that while students do not expect that teachers will conceal personal views about current political affairs, they objected to gratuitous and derogatory comment on current political figures, and one-sided representation of ideas and events in recent political history. Some claimed they were forced to misrepresent their own views in the course of presenting work which was assessable. As one student, who requested anonymity, submitted:

2 ibid.

3 Ms Angela McGuinness, *Submission 44*.

This prejudice in favour of a 'left' political view has been in my mind when deciding what question to answer and or how to answer them. I have changed my opinions for assessment tasks due to the desire to 'appease' the teacher and to gain a better grade.⁴

3.10 The committee is surprised that a student would need to 'toe the line' in a secondary school assignment, but it knows no more than what is described in the submission. One witness, a former teacher who claimed to have observed evidence of bias in the school classroom was asked about its effect on student assessment. His response was more encouraging:

The kids have retained a remarkable degree of freedom of thought behind the scenes. If they are trying to brainwash the kids they are failing monumentally because the kids are having the last laugh. Kids are quite happy to go through the ideological supermarket aisle putting into their basket whatever appeals to them—'I will take something from the left of the aisle and something from the right of the aisle,' and many of them are doing that. The teacher might be politically correct left and hot and bothered about the war in Iraq and global warming and they might take some of that on board, but they may not as well.⁵

3.11 The committee considers this to be a realistic view. It probably sums up the experience of nearly everyone who has attended school. The committee emphasises that no realistic assessment can be made of the significance of such experiences as are described in the light of isolated reports. There is always another side of the story. These isolated instances may be a matter of concern for some, but for over 40 years there have been isolated reports of attempted political influence or 'indoctrination' by school teachers. Such fears are nearly always misplaced. School authorities are generally vigilant about such allegations because parents of school students are likely to complain about it.

3.12 The committee believes that if the incidence of political bias in classrooms was a significant problem this would quickly become evident in more dramatic ways than the receipt of a few submissions by a parliamentary committee. There is no substantial evidence that it exists. Even if it did, students are unlikely to be influenced. Apolitical students, who constitute the great majority in most classrooms, are generally impervious to attempts by teachers to influence them politically, and are more likely than not to treat the whole thing as a joke. Experienced teachers are naturally wary of engaging in classroom discussion where their own views become the focus of a lesson.

3.13 These assumptions and observations would be evident to any properly-trained teacher, and would no doubt be pointed out to inexperienced teachers by their principals on the rare occasions when this was necessary. And according to evidence

4 Name withheld, *Submission 25*.

5 Dr Mark Lopez, *Committee Hansard*, 16 October 2008, p. 5.

provided to the committee by the Australian Secondary Principals' Association such occasions would be very rare. A quick survey of state presidents of the association made recently indicated no recollection of any reports of complaints about bias in recent years.⁶

Teaching controversial issues

3.14 Increased emphasis on politically focussed courses in the school curriculum follows the implementation of the Discovering Democracy program adopted by all states and territories. It was initiated by the Keating Government and continued under the Howard government re-branded as Discovering Democracy. The political awareness and civic literacy components of the curriculum are reinforced in Australian history courses taught in the lower and middle secondary school.

3.15 A great deal of commentary and research on civics education published in the 1990s referred to the political knowledge deficit among teachers as a problem for the implementation of these new courses. Teachers lacked the confidence skills and knowledge to teach about political issues. The problem was recognised by all those associated with the design of the new learning frameworks. The Discovering Democracy page on the DEEWR website, prepared by the Curriculum Corporation, asks the question 'Must Civics and Citizenship Education always be 'problematic'? The answer given is:

Yes, they should be. The staff and students will need to practise a problematising approach in the teaching and the learning of Civics and Citizenship. As a result of the problematic and contested nature of much of Civics and Citizenship, teachers will need to model and manage an open classroom environment. Students will need to learn how to manage difference of opinion, and develop attitudes and skills in regards to difference and contestation.⁷

3.16 The Curriculum Corporation managed the development of Discovering Democracy, but responsibility for implementing the cross-curricula program is a matter for schools and school systems. The final sentence noting students would need to learn how to manage difference of opinion would apply even more so to teachers. There is no evidence that the committee is aware of that professional development courses designed to remedy this deficiency include content on professional and ethical responsibilities of teachers in dealing with public affairs issues in the classroom. This deficiency should be addressed.

6 Mr Peter Martin, *Committee Hansard*, 8 October 2008, p. 82.

7 Department of Education, Employment and Workplace Relations, website, *Civics and Citizenship Education*, <http://www.civicsandcitizenship.edu.au/cce/default.asp?id=9318>, accessed 15 September 2008.

Current policies and structures in schools

3.17 States and systems, and individual schools, have broadly similar policies in regard to teaching controversial subjects and to dealing with complaints about allegedly unprofessional conduct of teachers who step over the line in their treatment of political content. Most schools or systems have policies that cover the conduct of teachers in the broader sense, and in regard to the values they are expected to adhere to. Some will be referred to in this section.

Values policies and codes of conduct

3.18 The New South Wales Department of Education and Training's values policy stipulates that values should guide the learning experiences of students and suggests how this can be done. The policy states that public schools 'provide students with opportunities to explore the values that lie behind diverse community attitudes to political issues and social concerns'. Among the core values listed in the NSW Department's policy are democracy; accepting and promoting the rights, freedoms and responsibilities of citizenship, and being committed to the principles of social justice by opposing prejudice, dishonesty and injustice. Teachers are expected to promote school policies by modelling and reinforcing behaviour consistent with core values.⁸ Teachers are also expected to promote these values in the classroom through their own teaching practices.

3.19 Teachers employed by the New South Wales Department of Education must adhere to a code of conduct code covering such things as the responsibilities and rights of staff, appropriate professional behaviour, non-discriminatory treatment of others, considerations of equity, ethical decision-making and avoidance of psychological harm to students. In particular, there is a requirement for teachers to provide impartial and accurate information and advice, and to ensure that personal beliefs or attitudes do not unduly influence the treatment of students.

3.20 Relevant to this inquiry, and the committee's consideration of submissions from school students, is that the code of conduct stipulates that staff must not engage in unreasonable conduct that could cause psychological harm to a child, young person or student, including targeted and sustained criticism, belittling or teasing, persistent hostility, verbal abuse or rejection and scapegoating.⁹

8 NSW Department of Education and Training website, *Values in NSW Public Schools*, https://www.det.nsw.edu.au/policies/student_serv/student_welfare/valu_scool/pd_05131_Value_s.pdf, accessed 15 September 2008.

9 NSW Department of Education and Training website, *Code of Conduct*, https://www.det.nsw.edu.au/policies/staff/ethical_behav/conduct/conduct.pdf, accessed 15 September 2008.

3.21 Similarly, the Western Australia Department of Education and Training has a mandatory staff conduct policy that covers all employees of the department, including teachers, but is not specific to them. The policy includes guidelines on ethics, values and advice on bullying. While there appear to be no specific guidelines on the actions of teachers with respect to bias in the classroom, the guidelines to prevent bullying of students may be noted. They state that the following behaviour may be considered bullying, including; abusive, insulting or offensive language by one or more persons to another or others; behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with much yelling and screaming; and deliberately denying access to information, consultation or resources.¹⁰

3.22 Most schools have their own policies and guidelines which would cover complaints about biased teaching. For instance, at Cairns State High School the student welfare policy outlines the roles and responsibilities of teachers, parents and students to promote the physical and mental wellbeing of students. In particular, it states that it is the responsibility of teachers to treat students equally and without favour, to assess students equally and fairly, and respect, uphold and be a role model for school values, expectations and rules, regardless of personal beliefs.¹¹

Accountability frameworks

3.23 States and territory governments have accountability frameworks or similar policies in place that schools and their educators are required to conform to. For instance, the Victorian Department of Education and Early Childhood Development has an accountability framework that sets out the planning, evaluation, reporting and risk management requirements for public schools in that state.

3.24 Under the framework, school strategic plans include key improvement strategies, for instance, in improving teaching practice. The Victorian framework sets out a comprehensive range of accountability measures that schools must strive to meet if they are to ensure that, among other things, there is a distinct absence of bias from teaching activities in their classrooms.¹²

10 WA Department of Education and Training, *Staff Conduct*, http://policies.det.wa.edu.au/Members/e4002033/policy.2006-01-23.4460520915/Staff_Conduct.pdf, p.16, accessed 22 September 2008.

11 Cairns State High School, *Student Welfare Policy*, http://cairnsshs.dev.getweb.net.au/images/stories/about_cairns_high/policies_procedures/student%20welfare%20policy%20for%20parents%20&%20students.pdf, accessed 22 September 2008.

12 Victorian Department of Education and Early Childhood Development, *Accountability and Improvement Framework for Victorian Government Schools 2008*, http://www.eduweb.vic.gov.au/edulibrary/public/account/operate/SAIF_2008-gdl-v1.00-20071022.pdf, accessed 23 September 2008.

Teacher registration requirements

3.25 All states have legislated to establish teacher registration boards. The boards set minimum standards for teachers. Practicing teachers are required by teacher registration boards in each state and territory to abide by the relevant legislation.

3.26 As the legislation states, the Teachers Registration Board may, on complaint by the Registrar or of its own motion, hold an inquiry to determine whether conduct of a teacher constitutes proper cause for disciplinary action. If, after conducting an inquiry under this section, the Teachers Registration Board is satisfied on the balance of probabilities that there is proper cause for disciplinary action against the teacher, the Board may impose penalties, and may suspend or cancel a teacher's registration.¹³

Culture wars

3.27 A point of similarity can be noted between the evidence given in relation to school curricula and university courses in the humanities and social sciences. Both secondary and higher education are, in the minds of some submitters, arenas in the 'culture wars'.

3.28 The committee heard from the Liberal Students' organisation Make Australia Fair a description of the link between the radical philosophies and teaching practices in vogue in university education faculties and schools of education, and the likely application of those ideas in the classroom. Make Australia Fair tabled a 'dossier' listing academics in education faculties who, it was claimed, share a commitment to radical activism and who view politics and education to be 'different perspectives of the same reality'. They quoted from another submission to this inquiry to describe activist methods of teaching as a:

... radical orthodoxy is composed to an almost slavish adherence to various theories and political commitments associated with neo-Marxism, postmodernism, deconstructionism, the theories of Michel Foucault, post-structuralism, discourse theory, feminism, neo-Rousseauianism, radical environmentalism, anti-Americanism, anti-Christianity, and related ideologies.¹⁴

3.29 Make Australia Fair argued that where ideological activism is entrenched in the academia of education faculties, there is crossover into school teaching. 'After all, universities provide the theoretical underpinning for school curricula and teaching and training of future school teachers.'¹⁵

13 *Teachers Registration and Standards Act 2004*, South Australia, <http://www.trb.sa.edu.au/pdf/Teachers%20Registration%20and%20Standards%20Act%202004.pdf>, S. 35 (1), (2) & (3), accessed 22 September 2008.

14 Dr Mervyn Bendle, *Submission 5*

15 Mr Noel McCoy, *Committee Hansard*, 9 October 2008, pp 38–39.

3.30 The committee has no way of assessing the veracity of this claim, particularly in regard to what is taught to B.Ed and other trainee teachers, but it suspects that it is wildly exaggerated. Such content would be beyond the comprehension of many students for whom it would have no practical use. Such comments as these neither enlighten the committee nor persuade it of a case to be made. Indeed, the committee believes that the case That Make Australia Fair makes for the existence of a leftist conspiracy in education faculties and schools borders on the farcical.

3.31 Education consultant and former teacher Kevin Donnelly has long argued that the content of senior secondary English and History courses has been progressively 'watered down'. In the case of English, students have fewer opportunities to study noted authors and literary works as they are partly displaced by contemporary literature which is considered to be more 'relevant' to the interests of today's youth. In history, there is more emphasis placed on marginal themes which may have contemporary relevance, but which provide scant insight into events and movements occurring a century or more ago.

3.32 Donnelly's submission describes the effects of social and cultural changes over the past forty years on school curriculum. The argument goes that teachers have become tied up with radical political ideas which influence what is taught in the classroom.

Over the last 30 or so years schools have been pressured to adopt a progressive and new age stance on issues as diverse as multiculturalism, the environment, the class war, peace studies, feminism and gender studies. The Australian Education Union argues that teachers should support students who protest against the war in Iraq, professional organizations argue that the purpose of education should be to empower students to overthrow the status quo and subject associations politicise education by arguing that subjects like English must be used to teach students the correct way to vote, that is, against conservative governments. Generally speaking, students no longer have the opportunity to study history or literature in any systematic or balanced way and, as a result, many leave school culturally illiterate and ethically challenged.¹⁶

3.33 The committee takes the view that the crusading political agenda of the left, as described by Donnelly is vastly overstated. Its view of the teaching profession generally is that it is basically conservative, and no more politically-minded than other sectors of the workforce. Donnelly has also expressed concern about certain teaching 'fads' and the loss of rigour in parts of the curriculum, but, there is no clear connection between that and a drive for a radical social agenda. If teachers are consciously engaged in such a drive we have seen no evidence of it yet. The committee's perception of teacher attitudes is backed by a comment made by the President of the Australian Secondary Principals' Association:

16 Dr Kevin Donnelly, *Submission 6*, p. 9.

In terms of the work of teachers and bias, my suspicion is that the teaching profession, both through the demographic and through training, is becoming innately more conservative than it was. There are fewer examples of teachers exhibiting extreme opinion within a classroom. I think there are sometimes tensions when teachers work through processes to encourage young people to develop ideas, to discuss concepts and to test ideas. Sometimes that pedagogy is misunderstood by students and sometimes by families.¹⁷

3.34 The committee recognises the challenging circumstance in which teachers work, and the tensions which often exist in the classroom. It takes the view that isolated instances of alleged political bias are among the least of the problems to be faced by schools.

Conclusion

3.35 The committee stands on the sidelines of the 'culture wars' if only because the battlefield is already overcrowded. The committee nonetheless applauds the direction to be taken by the new National Curriculum Board to introduce a national curriculum with a focus on content rather than on outcomes-based learning. It notes with satisfaction the apparent early acceptance of a more traditional course structure for history teaching and learning and the streamlining of Maths to focus on core topics. It notes also the warnings of the head of the National Curriculum Board, Dr Barry McGaw that properly trained teachers would be an urgent requirement for teaching the new curriculum.¹⁸ The committee presumes that the increased rigour of content-based courses will require teachers with sufficient grasp of detailed knowledge. This development may lessen the intensity of the 'culture wars'.

3.36 The committee has no evidence of public concern about political bias either in the curriculum or in teaching practices in use in schools. While there may be isolated instances of intemperate or ill-considered comment made by teachers in the classroom which relate to political content, such instances of poor teaching would be insignificant overall, and trivial in comparison with poor teaching of reading, writing and mathematics. They are most likely to be the consequence of inexperience. Or they may be part of a deliberately provocative stimulus to class discussion.

3.37 The committee again draws attention to the absence of any empirical evidence of classroom bias and expresses doubt as to whether any research could show that it exists. It believes that the overwhelming majority of teachers are conservative and cautious in their approach to teaching about controversial subjects.

17 Mr Andrew Phillips, *Committee Hansard*, 8 October 2008, p. 81.

18 Farrah Tomazin, 'New curriculum's teacher challenge', *The Age*, 12 November 2008, p. 12.

Chapter 4

A charter of academic freedom

4.1 Terms of reference (c) direct the committee to identify ways in which intellectual diversity and contestability of ideas may be promoted and protected, including the concept of a charter of academic freedoms. A number of submissions addressed the broad aspects of this question without regard for the specific, and rarely discussed, issue of student rights. In this chapter the committee considers the question of whether there is any need to protect diversity and the free exchange of ideas in universities and whether this is the responsibility of governments and lawmakers.

Threats to academic freedom

4.2 Many submissions, from across the spectrum of political viewpoints, agreed that there were current threats to academic freedom.

4.3 Some described the threats they perceived to freedom of teaching and research, with reference to the intrusions of the state as well as the intrusions of commercial interests into the affairs of universities. Commercial and national security pressures are making academic life more difficult. Liberal Students groups made no reference to this, arguing that the threat to academic freedom was from within the university: the consequence of a leftist dominance of teaching and research which restricted the scope of ideas.

4.4 In a recent publication, Edwina MacDonald and Professor George Williams identify three sources of threat to academic freedom.¹ The first is the increasing commercialisation of research, the second being the difficulty in obtaining research funding, and the third being the effects of counter-terrorism legislation on the freedom to research in areas related to this problem.

4.5 While MacDonald and Williams acknowledge the obvious benefits of private investment in university research they point out that the pressure on academics to generate funding can encourage them to channel their research into safe areas which are likely to attract funding, and away more controversial areas of research. They also point out that the free expression of ideas and the commercial need to protect profits do not always sit well together. Publication of research results may be discouraged because of the need to safeguard their own, and their sponsors' property rights. In a survey of researchers in the social sciences undertaken in 2001, 17 per cent indicated

¹ Edwina MacDonald and George Williams, 'Banned books and seditious speech: anti-terrorism laws and other threats to academic freedom', *Australia and New Zealand Journal of Law and Education*, vol.12, no.1. pp 29–46.

that they had been prevented from publishing contentious results as a result of commercialisation.²

4.6 As to the issue of research funding, MacDonald and Williams have much to say about its administration before the change of government toward the end of 2007. The much-criticised amendments made in 2005 to the Australian Research Council Act, which granted ministerial veto rights over grants already approved by the ARC appear to be no longer 'operable'. The submission from the Australian Academy of Science welcomed current Minister Kim Carr's initiation of dialogue with the scientific community to discuss rights and responsibilities for scientists in public research agencies.³ Nonetheless, until there is a significant increase in research grant funds through the ARC concerns about over-reliance on private funding will continue.

4.7 MacDonald and Williams point out that the large number of new laws made over recent years for the purpose of resisting or deterring terrorist attacks have had a profound effect on a range of human rights. In 2005 Parliament enacted new sedition laws. In theory, these could be applied in cases where academics, or anyone else, urge actions which might threaten 'the peace and good government of the Commonwealth'. In addition, anti-terrorism laws have also resulted in the censorship or banning of publications relating to terrorism.⁴

4.8 The submission from the National Tertiary Education Union also identified anti-terror laws as a matter of concern for universities. It submitted:

We have already seen examples of the effect of these laws – a student at Monash University was interviewed by the Federal Police on the basis that he purchased and borrowed books on suicide bombing for his course of study on suicide bombings. Censorship of books and research projects by the Attorney-General on the basis of possible conflict with the 2005 Anti-Terrorism Act has also taken place. The former occurred at the University of Melbourne with the university being advised to remove books from its library under fear of committing an offence. The latter being a cutting back of the research field of an individual researcher who had been granted an ARC peer reviewed grant on the basis that such research may contravene the 2005 Anti-Terror Bill. Finally the Export Control Bill may place further restrictions on research, conferences and publications undertaken in areas that relate to weapons of mass destruction.⁵

In support of a charter of rights

4.9 There is a substantial amount of published research and commentary on the need for statutory protection of academic freedom, all of it relating to those issues of

² *ibid.*, p. 35.

³ Australian Academy of Science, *Submission 54*

⁴ *ibid.*, p. 39.

⁵ NTEU, *Submission 36*, p. 8.

academic freedom familiar to most scholars and commentators. There has been some support expressed for the idea of statutory defence of academic freedom from mainstream academics and interest groups concerned about some of the trends described in the previous section.

4.10 The terms of reference for this inquiry, however, do not strictly address these mainstream issues. They assume that the university is threatened by unbalanced and unscholarly teaching, and the prevalence of a university culture which is oriented toward intellectually vapid or destructive minority causes. Those concerned about these trends also favour a charter of academic freedom, although it arises from radically different beliefs and is intended to serve quite different ends, despite the language in which it is couched. The committee deals with this first.

The Horowitz inspiration

4.11 Information in a number of submissions indicates that the idea of a charter of rights intended specifically to ensure 'balance' in the content and teaching of humanities and social sciences courses emanates from the United States, and is the brainchild of a well-known (and one-time left) academic David Horowitz. In 2001 Horowitz founded Students for Academic Freedom, and soon after proposed an academic bill of rights.

4.12 The American connection should be noted. Far more Americans than Australian are willing to be affiliated with or identified with a political party. It has been estimated that over 70 per cent of American academics identify themselves as Democrats or Democrat supporters. Republicans believe that universities are controlled by Democrat coterie, and that the course content, and the stance of academic staff serves to further the influence of what they deride as liberalism. That is, views other than liberal views are squeezed out of the curriculum, and knowledge is processed through the prism of liberalism. Horowitz and his Students for Democratic Freedom aim to reverse this through the implementation of an academic bill of rights. The American proposal has been put into the form of legislation which has been introduced in the House of Representatives and to several state legislatures.

4.13 That is the inspiration for the Liberal Students' proposal. As the committee was told:

The Australian Liberal Students Federation would like to see universities across the nation adopt a charter of academic rights which would protect diversity of thought and students' entitlement to freedom of inquiry. Such a charter would provide for new standards of curricula that would include alternative and disseminative sources in course materials and quality control mechanisms to ensure an adequate spectrum views on subject matter taught. There would be guarantees that academics are hired on the basis of merit, with no consideration of their political affiliation, and research funding would be allocated on the condition that they foster pluralist perspectives on issues of importance. Most importantly, such a charter would ensure blind and double marking for student assessments and make sure that the students' work is judged by the fairest possible standard.

We believe that such a charter would be the best means to hold academics to account and to make the quality of our universities' content, teaching and assessment content as good as it can and must be.⁶

4.14 The debate over the proposed American legislation and how it would operate has not been researched by the committee. On the face of it the intention of the legislation appears benign and expressed in such liberal terms as to provoke surprise that it would be needed in a country with the democratic traditions of the United States. It appears at one level to provide for what already exists. Even if Horowitz's bleak view of a takeover of American campuses by subversive left-wing elements could be shown to be valid, it is difficult to see how a charter of academic freedom would serve to reverse this trend. Its application to Australia cannot be imagined.

4.15 In this regard the committee notes a submission which proposes what its author admits are draconian rules to eliminate academic bias from university teaching, and from university culture generally. The submission proposes (with commentary attached):

The drafting and enforcement of an *Academic and Students' Bill of Rights* which would defend academic and campus pluralism by preventing instances of unjustified discrimination. This would be achieved by (i) preventing 'trendy' mono-cultural paradigms from dominating academic discourse, and (ii) secure true diversity of thought among the student population.

This scheme would necessarily require a procedure whereby rights are guaranteed by penalising breaches thereof. Where as it is always tempting to codify rights and liabilities in times of uncertainty, this approach could nevertheless pose further procedural difficulties and rigidify the process through which student and academic liberties are guarded and enforced. Moreover, it might be counterproductive where it is argued that the said rights are limited to those enumerated in the code.

The prohibition of any and all political expression by academic staff on campus, included but not limited to, the display of posters, badges, stickers and other like paraphernalia, the prohibition of politically motivated or politically coloured remarks during periods committed to the holding of lectures, tutorials, seminars, student-teacher conferences and the like; subject to the following exceptions (i) where the remarks and paraphernalia is occasioned in private company, and (ii) where the occasion of political commentary and display of said paraphernalia is relevant to the substance of a lecture, tutorial, seminar, student-teacher conference or the like.⁷

4.16 Whether or not this viewpoint is presented as a parody of a vision by Horowitz disciples, it does show that the cure which is proposed by some neo-

⁶ Mr Gideon Rozner, *Committee Hansard*, 8 October 2008, p. 95.

⁷ Mr Edwin Dyga, *Submission 19*.

conservatives fearful of a 'leftist stranglehold' on universities is likely to be far worse than the disease.

Mainstream support for statutory academic freedom

4.17 MacDonald and Williams also favour statutory protection of academic freedom. They argue that:

Experience elsewhere shows that a Charter would give real protection to human rights like freedom of speech and could have a powerful impact in shaping public debate. While no such law provides the whole answer, and is not a substitute for ongoing political or industrial action, it would be a valuable tool in preventing the further erosion of academic freedom in Australia.⁸

4.18 The National Tertiary Education Union (NTEU) also advocates legislative protection for academic freedom. It cites threats to academic freedom arising from the enactment of anti-terrorism laws and new sedition provisions which restrict the rights of researchers and lay them open to criminal offences. It points out that the traditional protections afforded to academics through collective agreements and university codes of practice are no longer sufficient.⁹

4.19 Dr Ben Saul, from the Faculty of Law at Sydney University supports these views, recommending that legislation to protect academic freedom be based on the protection contained in the *Education Act 1989* (New Zealand).¹⁰ The New Zealand legislation has been mentioned in a number of submissions. Section 161 of the New Zealand *Education Act 1989* provides protection for academic freedom in regard to the freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions; freedom of academic staff and students to engage in research; freedom of the institution and its staff to regulate the subject-matter of courses taught at the institution, and the freedom of the institution and its staff to teach and assess students in the manner they consider best promotes learning. In addition, the Act acknowledges the freedom of the institution through its chief executive to appoint its own staff.

4.20 The committee notes that the intention of the Act is to protect both students and teaching staff. Beyond expressing the view that the provisions appear sensible and reasonable, the committee makes no comment on whether similar legislation would be necessary and appropriate in Australia, particularly in the light of the apparent effectiveness of non-legislative protections instituted by universities.

⁸ Edwina Macdonald and George Williams, 'Banned Books and Seditious Speech: Anti-Terrorism Laws and Other Threats to Academic Freedom', *Australia and New Zealand Journal of Law and Education*, vol.12, no.1, p. 46.

⁹ NTEU, *Submission 36*, pp 6–7.

¹⁰ Dr Ben Saul, *Submission 1*, p. 3.

Opposition to a statutory protection of academic freedom

4.21 The committee notes that opposition to the principle of statutory protection of academic freedom comes from a cross-section of academic opinion. Of particular note is the inclusion on this side of the argument of the Australian Liberal Students' Federation. It appeared to the committee that the prevailing view favours the status quo. Universities Australia and a number of individual academics expressed the view that universities were in no need of further regulation. Despite the vagaries of common law in regard to academic freedom, it was believed by some submitters that there was already sufficient protection for academic freedom contained in the various protocols instituted by universities.

4.22 In the view of the Australian Political Studies Association (APSA), universities already have systems to promote and protect academic freedom. These are contained in codes of conduct, strategic plans and in enterprise agreements. The committee cites an example in the University of Queensland's *Code of Conduct* which outlines its commitment to protecting and fostering academic freedom, as expressed in the Collective Agreement, through listing the conduct expected of the university and its staff:

2.3 The University community is complex, with a large and diverse population of staff and students. As an organisation, it plays an important role in society generally (by the provision of teaching, research and community service) and it receives a significant proportion of its funding from public moneys. The primary role of the University in advancing knowledge requires that it safeguards its institutional autonomy and protects academic freedom. In advancing knowledge, research ethos encourages independence and innovation in ideas and methods. The University values a collegiate environment as the best means of fostering the advancement of knowledge.

2.7 Traditionally, universities are places where academic and research staff have been encouraged to observe and to comment upon or criticise society and its activities. Universities also encourage the development of new concepts through research and open discussion. The exploration of unconventional views is not merely tolerated but encouraged. The Code of Conduct is not intended to derogate from this traditional and independent right to comment on matters of public concern or to pursue research on matters of public controversy. Administrative and support staff, in facilitating academic and research endeavours, should also seek to protect the appropriate exercise of academic freedom within the scope of their duties.

3.2.1 The obligation (to observe the laws of the State and Commonwealth and to comply with the statutes and rules of the university) is not intended to detract from the concept and practice of academic freedom, which is regarded by the University as fundamental to the proper conduct of teaching, research and scholarship. Academic and research staff should be guided by a commitment to freedom of inquiry. This commitment is expressed in their teaching and research and in their role in advancing the intellectual heritage of their society. Academic and research staff should

exercise their traditional rights to examine social values and to criticise and challenge the belief structures of society in the spirit of a responsible and honest search for knowledge and its dissemination. For example, academic freedom entitles an academic or research staff member to challenge and criticise ideas and methods but not to defame others.¹¹

4.23 APSA describes arguments in favour of a separate charter of academic freedom, as 'well-meaning and seductive'. It is wary of any initiative that may play into the hands of proponents of an academic bill of rights similar to that proposed in the United States which is intended to facilitate university hiring policies that would promote a 'plurality of perspectives' in regard to the ideology of appointees. APSA warns against establishing any charter of academic freedom which would require universities to recruit staff on any basis other than merit.¹²

4.24 Professor Sinclair Davidson from RMIT, also representing the Institute of Public Affairs, told the committee that he doubted whether statutory underpinning of academic freedom would add any value to what now prevails.

4.25 Professor Brian Galligan, was asked his views on the desirability of legislation, and responded:

Usually for these sorts of things, as with a bill of rights and legislating in that way, there are usually arguments that you can run on both sides of the question. I tend to be in favour of strong professionalism and tradition, if that is adequate, but then there comes a point perhaps when there are so many other intruding and often unintended consequences of things that are happening that that may not be enough. My own view is that just legislating for something resolves nothing at all; it is really the nurturing of that sort of strong professional culture and an honouring of certain principles in the way institutions conduct their business and so on which can be easily eroded by a lot of things, even unintended things. In the first instance I would want to be shown that there was a real need for legislating; secondly, that it would make some material difference as opposed to the alternative of, in a sense, smartening up or trying to refurbish the traditions and practices we have in place. On the face of the thing, I would say no; let us see if we can repair or refurbish what we have.¹³

4.26 In relation to this viewpoint, the committee notes that universities have developed charters of academic freedom which have more substantial recognition as a result of the establishment of the Australian Universities Quality Agency. The committee assumes that if academic freedom is in need of further strengthening, the necessary repairs and refurbishing, to use Professor Galligan's words, can begin with AUQA.

¹¹ Taken from *Submission 36*, NTEU, p. 5.

¹² APSA, *Submission 13*

¹³ Professor Brian Galligan, *Committee Hansard*, 8 October 2008, p. 75.

4.27 The prospect of charter of rights style legislation causes concern in parts of academe which would appear to be at a safe distance from conflict and controversy, and where academic staff and students have not been known for their expressions of turbulent dissent uncomfortable views. The committee received submissions from divinity schools affiliated with universities pointing out particular problems that would arise for them. As noted in Chapter 2, clashes of views over religious belief and its relationship to secular affairs and belief are not unknown in universities in the 21st century.

4.28 A theologian from the Australian Catholic University, Professor Neil Ormerod has raised the issue of how one person's faith commitment may be another person's 'ideological, political and cultural prejudice'. He points out that theological institutes often require a commitment to faith of the kind that some people would regard as erroneous or meaningless, and posed the question of how scientists would view the axiom of St Augustine: 'Unless you believe, you will not understand'. Professor Ormerod continued:

Again, similar concerns could be raised about the needs for courses “to reflect a plurality of views, be accurate, fair, balanced and in context”. Would, for example, a charter of academic freedoms require a Christian theological college to present Hindu, Buddhist, Islamic and Jews faith positions in the name of pluralism and balance? Certainly, many theological courses will have units on inter-religious matters and one would expect the presentation of other faith positions to be accurate and fair. But if every course was expected to present the full plurality of inter-religious views on every faith issue held by Christians, it would swamp the curriculum. Even within Christianity, would one require a Pentecostal college to include detailed material on Greek Orthodoxy, and vice versa? Academic freedom does not require such false attempts at “balance”.¹⁴

4.29 Finally, the view of the Australian Liberal Students' Federation is notable for its opposition to any statutory protection of academic freedom. The Federation is as vehement as other Liberal Student organisations in its opposition to what it sees as ideological prejudice evident across the higher education sector, but states that the remedy for this lies in the hands of universities to ensure that academic freedoms are strengthened.

...it is the Federation's view ... that the proposed legislative entrenchment of these freedoms is not the method in which such a charter should be implemented. Formal legislation to combat problems of prejudice in tertiary education may not be suited to the differing requirements of each university's location and circumstance. Furthermore, the Federation is averse to promoting ideals of freedom through methods of compulsion and respects the autonomous structures and operations of Australian universities. Hence, the ALSF purports that individual policies of academic freedom should be adopted at these institutions to promote academic

¹⁴ Professor Neil Ormerod, Australian Catholic University, *Submission 7*, p. 2.

efficacy with assistance from the government. In what is now a very competitive higher education market, the Federation contends that it will be in the best interests of universities to act on their own volition in adopting charters of academic rights in attracting potential students. Incorporating a charter of academic rights into university policies can only be a positive for tertiary institutions competing with their competitors for Australia's best and brightest school graduates.¹⁵

Conclusion

4.30 The committee has reached no considered view on whether there should be statutory protection of academic freedom. It has had limited opportunity it had to consider the evidence in detail. The issue would require its own inquiry, rather than as a subsidiary part of an inquiry about quite a different matter. The committee was without the benefit of specific advice from vice-chancellors, and could not even begin to consider which jurisdiction would be vested with legislative responsibility. The issue would need to be looked at as part of the governance framework for universities and would require the full attention of university councils and vice-chancellors, as well as academic specialists. In short, this is a matter for universities to consider in their own time and to make recommendations to government if they consider that course of action necessary.

¹⁵ Australian Liberal Students Federation, *Submission 61*, p. 11.

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.¹

¹ 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.²

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.³

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.⁴

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.⁵

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

² Prof. Sinclair Davidson, *Committee Hansard*, 8 October 2008, p. 50.

³ *Ibid.*, p. 51.

⁴ Dr Colin Rubenstein, *Committee Hansard*, 8 October 2008, p. 25.

⁵ *Ibid.*, p. 26.

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.*⁶

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.⁷

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.

⁶ Dr Glen Withers, *Committee Hansard*, 9 October 2008, p. 64.

⁷ 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.⁸

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...⁹

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

⁸ Dr Colin Rubenstein, *Committee Hansard*, 8 October 2008, p. 28.

⁹ 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.¹⁰

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.¹¹

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.¹²

¹⁰ Ibid., p. 106.

¹¹ Dr Colin Rubenstein, *Committee Hansard*, 8 October 2008, p. 38.

¹² Mr Nigel Frietas, *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...¹³

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.¹⁴

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?

¹³ Professor Jim Jackson, Submission No. 62.

¹⁴ 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.¹⁵

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.¹⁶

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...¹⁷

¹⁵ Dr Ben Saul, *Committee Hansard*, 9 October 2008, p. 11.

¹⁶ Mr Joel Burnie, *Committee Hansard*, 8 October 2008, p. 36.

¹⁷ 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.¹⁸

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.¹⁹

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.²⁰

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.²¹

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,

¹⁸ Mr Joshua Koonin, *Submission No. 27*.

¹⁹ Mr Joshua Koonin, *Submission No. 27*.

²⁰ Dr Kevin Donnelly, *Committee Hansard*, 8 October 2008, p. 6.

²¹ Dr Gelber, *Committee Hansard*, 9 October 2008, pp. 22-23.

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.²²

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.²³

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.²⁴

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

²²Dr Donnelly, *Committee Hansard*, 8 October 2008, p. 3.

²³Mr Freitas, *Committee Hansard*, 9 October 2008, p. 41.

²⁴Dr 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.²⁵

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.²⁶

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.²⁷

²⁵ Mr Joel Burnie, *Committee Hansard*, 8 October 2008, p. 35.

²⁶ Mr Peter Martin, *Committee Hansard*, 8 October 2008, p. 86.

²⁷ Mr Andrew Blair, *Committee Hansard*, 8 October 2008, p. 87.

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.²⁸

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.²⁹ However, Mr Churchill was later found to have engaged in academic fraud.³⁰

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.³¹

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:

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

²⁹ *Ibid.*, p. 70.

³⁰ *Ibid.*, pp. 70-71.

³¹ *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.³²

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.³³

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

³² Mr Gideon Rozner, *Committee Hansard*, 8 October 2008, p. 99

³³ Mr Noel McCoy, *Committee Hansard*, 9 October 2008, p. 48.

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.³⁴

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...³⁵

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.³⁶ 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:

³⁴ Mr Lachlan Williams, *Submission No. 42*.

³⁵ Mr Gideon Rozner, *Committee Hansard*, 8 October 2008, p. 109.

³⁶ 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.³⁷

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.³⁸

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.³⁹

³⁷Mr Nigel Frietas, *Committee Hansard*, 9 October 2008, p. 41.

³⁸Mr Noel McCoy, *Committee Hansard*, 9 October 2008, p. 50.

³⁹Dr Mervyn Frederick Bendle, *Committee Hansard*, 16 October 2008, p. 8.

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.⁴⁰

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.⁴¹

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

⁴⁰ Australian Young Liberals *Submission 33* & Australian Liberal Students' Federation *Submission 61*

⁴¹ 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.⁴²

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

⁴² Prof Brian Martin, *Committee Hansard*, 9 October 2008, p. 6.

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.⁴³

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.”⁴⁴ 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.⁴⁵

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.

⁴³ Dr Ben Saul, *Committee Hansard*, 9 October 2008, p. 12.

⁴⁴ Mr Joel Burnie, *Committee Hansard*, 8 October 2008, p. 35.

⁴⁵ 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?⁴⁶

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.⁴⁷ 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.

⁴⁶ Mr Noel McCoy, *Committee Hansard*, 9 October 2008, p. 39.

⁴⁷ Dr Colin Rubenstein, *Committee Hansard*, 8 October 2008, p. 27.

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.⁴⁸

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.

⁴⁸ 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

Appendix 1

Submissions received

These submissions may be read on our website. Submissions with (*) indicate the inclusion of responses to adverse comment

Sub No.	Submitter
1	Dr Ben Saul
2	Mr Norm Canton
3	Professor George Williams
4	Sydney PEN
5	Professor Peter Drummond
6	Dr Kevin Donnelly
7	Professor Neil Ormerod
8	Dr Mark Lopez
9	Mr Paul Myers
10	Mr Ben Potts
11	Mr Adrian Pryke
12	Ms Jessica Priebee
13	Australian Political Studies Association
14	Professor Brian Martin
15	Universities Australia
16	Professor Gabriel Donlevy
17	Australian Universities Quality Agency
18	Confidential
19	Mr Edwin Dyga
20	Mr Michael Dromgool

- 21 Ms Sarah Barrott
- 22 Mr Hayden Schreurs
- 23 Name Withheld
- 24 Mr Robert Candelori
- 25 Name Withheld
- 26 Ms Elise Nally
- 27 Mr Joshua Koonin
- 28 Liberty Victoria – Victorian Council for Civil Liberties Inc
- 29 Confidential
- 30 Mr Christopher Rathe
- 31 Tarrant Tolotta
- 32 Mr Christopher Hadley
- 33 Australian Young Liberals
- 34 Ms Rachael Jude
- 35 Ms Beccy Merzi
- 36 National Tertiary Education Industry Union
- 37 Dr Andrew Stewart
- 38 Mr Robert Langdon
- 39 Mr Scott Farlow
- 40 Melbourne University Liberal Club
- 41 Institute of Public Affairs
- 42 Mr Lachlan Williams*
- 43 Make Education Fair*
- 44 Ms Angela McGuinness
- 45 The Executive Council of Australian Jewry and The Australasian Union
of Jewish Students *

46	Mr Stuart Burrows
47	Salt Shakers
48	Mr Michael Van der Ende
49	Ms Sasha Uher
50	Mr Michael Davis
51	Mr Daryl Van den Brink
52	Name Withheld
53	Independent Schools Council
54	Australian Academy of Science
55	Dr Donald Parkes
56	Ms Narelle Eggins
57	Mr Nigel Rae
58	Name Withheld
59	Rev Mark Harding, Australian College of Theology
60	Australia Israel and Jewish Affairs Council
61	Australian Liberal Students' Federation
62	Professor Jim Jackson
63	Jaimi Primrose-Levi
64	Australian Secondary Principals Association
65	Professor Mervyn Bendle
66	Professor Brian Galligan
67	Mr Keith Windschuttle *
68	Ms Jane Vickers
69	Professor David Peetz

Appendix 2

Hearings and Witnesses

Monash Conference Centre, Melbourne, 8 October 2008

Dr Kevin Donnelly, *Education Consultant*

Australian Universities Quality Agency

Ms Karen Treloar, *Audit Director*

Australia/Israel and Jewish Affairs Council

Dr Colin Rubenstein, *Executive Director*

Dr Tzvi Fleischer, *Editor in Chief of the Australia/Israel Review*

Mr Joel Burnie, *Student Program Coordinator*

Professor Sinclair Davidson, *RMIT University*

National Tertiary Education Union

Dr Carolyn Allport, *President*

Mr Paul Kniest, *Policy & Research Coordinator*

Ms Emma Cull, *Policy Officer*

Professor Brian Galligan, *University of Melbourne*

Australian Secondary Principals Association

Mr Peter Martin, *Executive Officer*

Mr Andrew Blair, *National President*

Australian Liberal Students' Federation

Mr Gideon Rozner, *Victorian Representative*

Melbourne University Liberal Club

Ms Sabine Wolff, *Spokesperson*

Parliament House, Sydney, 9 October 2008

Professor Brian Martin, *University of Wollongong*

Dr Ben Saul, *University of Sydney Centre for International Law*

Australian Political Studies Association

Dr Kathryn Gelber

Make Education Fair Campaign

Mr Nigel Freitas, *Director*

Australian Young Liberals (Young Liberal Movement of Australia)

Mr Noel McCoy, *President*

Universities Australia

Dr Glenn Withers, *Chief Executive Officer*

Dr Nathan Cassidy, *Policy Officer*

Professor Kevin McConkey, *Deputy Vice-Chancellor (Academic), University of Newcastle*

Mr Keith Windschuttle, *Editor, Quadrant Magazine*

Parliament House, Canberra, Teleconference, 16 October 2008

Dr Mark Lopez

Dr Mervyn Bendle, *James Cook University*

Professor Jim Jackson, *Southern Cross University*

