

Need for Ministerial Intervention to Restore Probity and Service in the University of Sydney

A Document Prepared for the Honourable Mr Crakanthorp, Minister for
Skills, TAFE and Tertiary Education and Minister for the Hunter

in Advance of a Meeting of the University of Sydney Association of Professors
(USAP) with his Chief of Staff Mr Elliot Stone on the 28th July 2023

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Summary

There has been a decline in academic standards for scholarship, teaching and research in the University of Sydney. This may be surprising in light of recently improved international rankings, but we account for the discrepancy on basis that the rankings refer only to relative position and not absolute values, as well as by 'gaming' the rankings system.

The cause of academic decline is management without reference to core academic values. The current Vice Chancellor has no academic training or experience at all, and most senior academic managers are also under-experienced and under-accomplished in scholarship and academic work. As such, they are unfamiliar with academic values, and do not understand the importance of academic values for the proper function of the University.

They especially fail to understand that the high-level expertise of academics is unique for each area, and that academic freedom for teaching and research is an absolute requirement for students and society to properly benefit from that expertise. Management seems instead to misunderstand calls by academics for academic freedom, as calls for an escape from accountability. In practice, however, it is management that has made itself unaccountable.

Being often untrained and under-accomplished in academia, university managers are unable to lead the university's academics by either example or persuasion. Instead, they resort to blunt authoritarianism that is often abusive and always ugly. There is denial of empirical facts and refusal to engage in reasoned collegial discussion. Managerial will is enforced in a way that is antithetical to academic values and the proper functioning of the university. In absence of collegial academic decision making, academic and strategic decisions are weak, and operation of the university is undermined.

Management wields the unequal power of its appreciable funding and legal resources, to abuse staff and silence objections. The university operates more akin to an authoritarian State, than as an academic enterprise, and rather than students learning to engage robustly with the democratic process during their time in the university, students instead see how unequal power, fear and intimidation can be wielded, to overrule empirical facts and reasoned argument. The democratic basis for our society is undermined.

Egregious managerial abuses and improprieties are both tolerated and supported by the managerial structure. The ICAC has shown no interest in pursuing matters of university management corruption. The university Senate, established by the Act, is procedurally blocked by management from exercising it's duty of oversight.

We have attempted constructive engagement with both the University Senate and the Vice Chancellor's office, as well as with other university managers. This has been unfruitful because Management is unaccountable. Only Government can now intervene to restore probity and function to the University.

We urge the Minister and Government to address these issues, and make the below recommendations. We provide suggestions for implementation of our recommendations.

1. Oblige the university to operate in accordance with academic values to improve delivery of the academic mission and accountability
2. Improve the informed academic perspective of the Senate by increasing academic representation
3. Restore the independence and power of the university Senate for oversight of management
4. Improve the status and quality of the most senior managerial appointments by specifying minimum requirements for these positions
5. Ensure accountable executive, fiscal and academic decision making
6. Protect and promote academic freedom, independence and autonomy
7. Protect safety at the workplace

USAP Stands ready to assist the Minister and Government in any way possible.

1. Foreword

1.1 Who is the University of Sydney Association of Professors (USAP)?

The University of Sydney Association of Professors (USAP) is an organisation formed by Professors and Associate Professors of the University of Sydney, dedicated to upholding academic standards and representing academic interests. It was formed as a University of Sydney entity in 1975 and now actively advocates for improvement in the governance and service to students and the public in the University of Sydney.

Representing the USAP at this meeting are:

- Prof. Manuel Graeber: President of the USAP; Barnet-Cropper Chair of Brain Tumour Research, Brain and Mind Centre
- Prof Emerita Susanne Rutland: Secretary; Discipline of Hebrew, Biblical and Jewish Studies
- A/Prof Shumi Akhtar: Treasurer; Discipline of Finance
- Prof Hans Zoellner: Council member; School of Biomedical Engineering

1.2. The Origin of This Document

Public Universities Australia (PUA) met with the Honourable Mr Crakanthorp again on 3rd March 2023. At that time Mr Crakanthorp requested information of the PUA in the form of a collection of one page briefing notes on a number of separate issues. PUA provided that document to the Minister's office in a document dated 20th May 2023, together with more detailed content supporting the one page summaries.

The Minister undertook to meet with PUA at that time following the then upcoming election. Several members of PUA are also members of USAP and AAUP, and USAP wrote a letter addressed to Ministers Crakanthorp and Car, expressing support for the PUA document, and seeking a meeting.

This document is to provide some record and background of the issues USAP wishes to discuss.

2. Matters of Concern

2.1. A Decline in Academic Standards Despite Improved Rankings Can Be Explained

There has been a decline of academic standards that is evident to seasoned academics, and also to students. The decline is evidenced through: reduced rigor in academic standards for students to achieve pass and high results; reduced quality of PhD student supervision; reduced rigor in design of curriculum; reduced quality of educational offerings; dissolution of academic disciplines; reduced intellectual and scientific risk-taking in research; increasing substitution of technically 'hard' cutting-edge research, with 'soft' research focused on surveys, focus groups, literature reviews and opinion; and an increasingly utilitarian approach to deciding academic matters, divorced from questions of academic quality.

Students graduate with less well honed faculties of critical thought, and less well developed technical skills, than in past years.

This seems inconsistent with recent reports of great increases in International Rankings for the University of Sydney.

We account for this, however, on basis that the declines we report for the University of Sydney are in fact widespread in universities across Australia and the globe. The causes of decline are essentially the same everywhere, but Australia started a little latter, so the changes are seen in this country at a latter time relative to elsewhere. The rankings are not with reference to absolute measures, but are just relative to other institutions, so the recently increased ranking across several Australian universities, merely reflects that the rest of the world is ahead of Australia in the general degradation.

Without intervention, it is inevitable that with time, Australian Universities will 'catch up' and our rankings will descend to their former status.

In addition, universities deliberately 'game' the ranking systems, distorting their service delivery to maximise advantage for ranking. It might be argued that this shows sensitivity to measures for success, but we argue that it would be better for measures of service to students, the public, industry and government would be more meaningful, and that it is these functionalities that are currently sacrificed for purposes of chasing various international rankings.

We believe that service should have higher priority to rankings, and that high rankings should best result from good service.

2.2. The Cause of the Decline is that the Academic Mission of the University is Undermined by Management Without Academic Values

2.2.a. Non Academic Management of an Academic Enterprise Managers Do Not Understand

At present, the Senate which is the chief governing body, as well as the chancellor, vice chancellor; deans and other senior management staff, are not fully, or even substantially, accountable to the university collegiate, students or the broader community that universities serve.

The Senate which is the most senior governing body has a significant over-representation of corporate and/or political appointees, to the extent that the very small numbers of actual academics present have insufficient representation to insist on governance aligned with academic concerns.

In the not-too- distant past, senior managerial appointments at dean, head of school and vice-chancellor levels were selected from amongst the most able of senior academics who had gained the trust of their colleagues by life-long demonstration of adherence to academic values. More recently, selection has increasingly involved people with managerial as opposed to academic expertise, with the effect that university management is inadequately informed by actual training and experience in the fundamentals of university work.

The current Vice Chancellor for example, has never worked in a university. He has never conducted research, served a discipline, developed and implemented a course, had to concern himself with getting grants, publishing papers, reviewing manuscripts or any of the many other core services that academics must deliver in the course of their work. There is simply no way he could know what is involved, because he has not been trained in or had experience of academic work.

He is surrounded by a senior executive, amongst whom many also have comparably little actual academic experience and or accomplishment, but who advanced their careers by management in absence of academic service normally required for academic advancement. They too, simply do not have first hand knowledge of what is required of academics to properly serve students and the community.

While corporate managerial practice seems premised on an expectation of obedient implementation of management instructions, academics similarly have a foundational duty to exercise critical reasoned inquiry about the basis for such instructions. The clash of an authoritarian management culture with that of academics committed to reasoned argument based on empirical facts, generates unhelpful and unhealthy institutional disharmony and undermines the academic mission.

We propose as a solution, incorporation of a set of seven core academic values across all core university functions, as outlined elsewhere below [1].

2.2.b. Core University Functions are Supported by Core Academic Values

The core functions of universities are to:

- create new knowledge through research and scholarship;
- disseminate knowledge through advanced teaching;
- and to comprise and maintain a reservoir of deep expertise, to support all facets of society as a trusted source of expert, independent and honest advice.

Core academic values have evolved to underpin the delivery of these core functions, and for this reason they must be inherent to the way universities are structured, governed and operate. Failing to implement and support any of these values renders proper service of a university impossible [1]. These values are:

- rigor in expertise;
- commitment to advancing and promulgating knowledge;
- collegiality;
- freedom of speech;
- robust intellectual discourse;
- freedom of academic research;
- and truth in all academic works.

2.2.c. Managers Seem Not to Understand That The High-Level Expertise of Academics is Unique for Each Academic Discipline Area, and Requires Academic Freedom for Proper Development

It seems self evident that it is in the national interest for the populace to enjoy a high level of education, and academics have responsibility to deliver the highest levels of education in the nation [2]. To achieve this, academics must strive toward the highest level of expertise, and to such end it is important that research is unencumbered, free and independent, and be tested by robust collegial debate as well as the enquiring fresh perspectives of students. The skills and sensitivities needed to achieve suitably high expertise in any academic area are idiosyncratic to each discipline. It is self-evident that the training of architects, doctors, dentists, engineers, musicians, lawyers, historians, economists, and all other graduate professions, must of necessity develop different specialized abilities. University academics who have mastered their discrete disciplines understand what is required to achieve such mastery, and achieve promotion by continuing to develop those unique skills through the entirety of their careers. It is logical to trust the expertise of academics with regard to how best to conduct research and teaching in their discipline areas.

For these reasons, delivery of expert university services demands a high level of autonomy for, and trust placed upon, academics in both teaching and research, a concept broadly captured by the term 'academic freedom' [1, 3]. Unfortunately, this seems often not understood by university managers, who often interfere with the way academics teach or conduct research, and who also often seek to effect efficiencies by combining or at times entirely dissolving academic disciplines, without appreciating that such actions undermine the effectiveness of the university to conduct the high-level teaching and research inherent to each discipline area. It is logical, that such uninformed managerial interference with academic freedom, undermines the capacity of academics to do their work properly [1]. Managers seem to misunderstand calls for academic freedom as being calls for unaccountability, but as outlined above, that is not the case at all.

The outcome is that universities increasingly fail their core responsibilities. The impact on the quality of credentials issued by universities is especially dire. It has now reached a stage where there is legitimate and serious public discussion if university qualifications are worth the trouble and expense that students invest [4]. The reasonable point made by ex Vice-Chancellor Schwartz regarding at least one degree and we would say many more, is that 'painting stripes on donkeys and calling them zebras' is not an adequate standard for university education [4]. University Management, however, paints a universally rosy glow about the degrees they offer, and we warn the Minister of this systematic public deception.

2.2.d. Academic Freedom and Collegial Academic Decision Making Are Replaced with Authoritarian Determinations

USAP and AAUP observe that many universities currently subjugate necessary academic freedom in favour of managerial methods that may be effective outside of universities, but that fail to properly support the academic enterprise [1].

We see from the reported actions of senior management in Australian universities that management considers itself to comprise the university-writ-large, with academic staff and students treated as somehow outside the university and/or subordinate to management.

As outlined above, we advise that collegial and inherently democratic processes are necessary to maintain the integrity of Australia's universities, and this must be reflected in their organization and governance. It is remarkable that about two thirds of management positions in universities are now occupied by people without higher education sector experience [5]. In absence of experience working as academics or of an understanding of academic values, the management of universities is increasingly inconsistent with academic values. Collegial decision making is given mostly lip-service, rather than being the mechanism whereby informed and effective university governance is achieved. Management in universities has further suffocated collegiality and the capacity for academics to openly discuss concerns, by the creation of large numbers of insecure casual appointments, a problem now widely recognised and even recorded in a Federal Report [6].

As their mission consequently drifts from public service to corporate interests, university research and educational standards are also in rapid decline. We observe inappropriately high salaries for senior management and university executives relative to international standards, as well as a lack of internal and public accountability, including the misuse of corporate human resources practices, such as the application of 'gag clauses' to academics, and failure to defend academic freedom on campus.

The detrimental effect of the above on the health and mental well being of academic staff is significant and is now a matter of public record and scholarly examination [7, 8]. That the educators of the next generation are quite literally being driven out of their minds by the poisonous managerial environment in which they work, should be a matter of grave public and Ministerial concern.

2.2.e. The University Senate Responsible for Oversight of University Management, is Procedurally Blocked by Management from Exercising the Senate's Duty of Oversight

The University of Sydney Act establishes the Senate of the University as responsible for oversight and proper function of the University's management.

We in USAP have been surprised and confused by the lack of oversight actioned by the Senate, but the explanation has recently been made clear to us.

The agenda for Senate meetings and discussion is established by University Management. Further restricting discussion in the Senate, is that Management arranges for voluminous mandatory reading by Senate Fellows in advance of each meeting. We have been told by a Senate Fellow that this amounts to about 500 pages of text that must be read prior to Senate meetings.

By firstly swamping Senate Fellows with detailed text materials, and then tightly controlling the agenda for Senate meetings, the University Management is able to at once keep Senate Fellows busy, whilst ensuring that the Senate only sees and discusses that which Management wishes it to do.

In this way, the Senate is procedurally blocked by Management from the independent oversight that the Act intends for the Senate.

We have further learnt that a Senate Committee that deals with matters of academic probity pointedly excludes the academic representatives, and that this is on insistence by management. By this measure, the Senate fellows most qualified to contribute to matters of fundamental academic importance, are removed by management from discussion.

In short, management has made it impossible for the Senate to work as intended by the Act, and we believe this profoundly undermines the quality of management in the University.

2.3. Two Examples of Egregious, Destructive Authoritarianism in the University, and Failure of the ICAC to Investigate Potentially Corrupt Acts

We see frequent egregious authoritarian managerial excesses, that mock reasoned argument based on empirical facts, but impose managerial will through abuse of internal processes and in defiance of academic values.

2.3.a A Dean Who Falsified His Job Application With a False Claim of Qualifications, Who Has Damaged Teaching in a Clinical School and Endangered Public Health, But Who is Protected by Management

For example, a dean got his job by falsifying his job application pretending to have a PhD, and although the university's senior management has been fully informed by a whistle-blower who discovered the deception [9], the dean remains in post and the whistle-blower has been expelled. There has been significant damage to the clinical school and clinical training for which the Dean is responsible, and the effect of this is to endanger the public. Evident facts appear less important to Management, than covering management's mistake in making the appointment, and perhaps also less important than 'supporting one of their own'.

We are unable to find any other context where it is acceptable for a job application to contain a false claim about the attainment of an essential advertised qualification. That there may have been breach of immigration laws, by award of a working visa based on a false declaration, seems also unimportant to the University's management. The numerous complaints by staff, students and alumni of degraded education in the School administered by the dean involved, have been trivialized and effectively ignored by the higher university management, with consequent degradation of the function of the School. The public is endangered by reduced quality of clinical training. That is a shocking disservice to the Nation.

The tolerance and support given the Dean by management, coupled with the professional injury inflicted on the whistle-blower by both the Dean and higher Management, have spread and entrenched fear and intimidation within the School.

2.3.b. An Instance of Management Abuse Protected by Procedure

Academic staff, especially those who voice their concerns on miss-management, malpractice and potential corruption, are routinely subject to gas lighting, bullying, harassment, discrimination and unfair dismissal, subject to the significant power imbalance of authoritarian management supported by seemingly unlimited HR and legal resources. In-house legal teams and external consultants do impose significant cost on universities, but

are well funded because they underpin the egregious management we describe. More constructive expenditure would be on education and research.

The victims of management abuse and whistle-blowers, have no protection and their careers, well-being and lives are sabotaged in a highly unprofessional and certainly unacceptable way. The following is typical. There is a case in a Go8 university where the perpetrator of managerial abuse has been found guilty of bullying and discrimination by the University's paid independent investigator, but the university's management later secretly overturned that investigators finding in a second investigation, using an ex-employee who previously worked as a lawyer in the university's office of general council. In the second investigation, the victim who belongs to a culturally and linguistically diverse group, was not informed or interviewed by the second investigator, but the perpetrating manager was permitted to be involved in overturning the original findings. It is reasonable to have doubt on the probity of such proceedings and the decisions that they come to. Clearly, the university management involved condoned and supported bullying and discrimination in this instance, and was prepared to pay significant monies covering-up the truth and promoting an ongoing toxic work culture.

Importantly, the above are just two examples of a university management inflicting harm on academics and the function of university Schools and by extension the public, by breaching the academic values that the public reasonably assumes of them. Many further examples can be drawn from across Australian universities, and PUA can provide details if asked.

Students, Government, industry and granting bodies, pay universities to deliver services according to academic values, and it is now made reasonable to ask if by breaching those values, university managements now defraud paying stakeholders and the wider public.

2.3.c. Refusal of the Independent Commission Against Corruption to Investigate Potentially Corrupt Acts by Management in NSW Universities

Both of the above examples contain elements of potential corruption as defined by the NSW Independent Commission Against Corruption (ICAC) in its own publicly available documents, and were reported to the ICAC.

It is noteworthy that the NSW ICAC was informed of both the above examples given, but refused to investigate. It is further noteworthy that PUA is aware of additional cases of potential corruption by university managers, that the ICAC has refused to investigate [9].

2.4. The Erosion of Australia's Democracy by Authoritarian University Management: The Failed Pub Test

In the example given above, the university's management gave students who witnessed this, a lesson in the successful application of authoritarianism, and in the futility of reasoned argument and democratic process. That should be a matter of great concern, for the elected representatives in our democratic government.

We argue that by serving as a reservoir of informed expertise available to the public, by fostering robust open debate, and by supporting the education of an informed critical-thinking electorate, universities are vitally important for the effective function and

protection of democracy. This is highly relevant in the current global political climate where authoritarianism is on the rise. It is now clear that authoritarian forms of management are similarly the cause of many of the problems facing contemporary universities, and it is noteworthy that one of the founding documents of modern Australian Universities, the Murray Report 1957 [10], clearly articulated the role of universities in democratic civil society, a role that does seem to have been forgotten but must now be remembered. Also forgotten by university managers, is that they only recently re-signed the Magna Charta Universitatum, an international document that articulates fundamental principles for universities [11]. The role of the university as a bulwark against a misinformed public and anti-democratic authoritarianism is recognised elsewhere and a matter of public debate [12].

Current circumstances do not pass 'the pub test'. Any person leaning across any bar in any Australian pub, can see that such goings-on as the story of the deceptive Dean are unacceptable in a university, and should not be tolerated. The public if fully informed of the current behaviour of university management, would and should be outraged. The Minister is urged to address this in a forthright manner, and to restore the integrity of NSW universities in a way that would justify the trust placed in both universities and government by the public.

3. Recommendations for a University Governance Model Proposed by PUA and Supported by USAP

3.1. Rationale for USAP / PUA Recommendations

3.1.a Only Government Can Correct the Current Comfortable Unaccountability of University Management: The Core Problem The Accord Must Address

It is clear from the above, that university management is now unaccountable. In the course of enforcing management will, it is now accepted for university managers to make false statements and to ignore empirical facts.

The control that management has established over the Senate, ensuring escape from proper scrutiny and oversight by the body established for that purpose by the Act, is remarkable. University managers enforce their will by blunt authoritarianism. With benefit of the significant funds universities attract, management is able to wield an unequal power in law, bully staff and students, and compel silence. University managers are comfortable knowing that the State governments who administer the Acts under which universities are constituted, reasonably assume from the annual reports that university managers issue, that the universities are working well. Management is also comfortable knowing that the university Councils (or 'Senates' depending on the institution) to whom they report, have little representation from academics and that any objections that may be brought to them by such academics, are as easily ignored as those of the thousands of academics and students over whom the managers preside. Management is made further comfortable by the esteem granted senior university appointees, but as already mentioned, since most university managers no longer have high achievement as working academics [5], such esteem is misplaced.

Were university managers not complacent in this way, they would not make such obvious untruths or illogical statements in response to academic or student complaints, as is now routine. PUA is able to provide examples additional to that of the falsified job application outlined above, if asked.

There is no mechanism whereby university managers can be held accountable against academic values, and in consequence, there is no mechanism for halting the rapid and accelerating degradation of NSW and other Australian universities.

This is the core problem USAP points the Minister towards, and only Government is able to intervene and to establish improved governance that can be enforced.

We make clear recommendations in the next section, for actions that the Minister can take to address these concerns.

3.1.b. A More Rigorous, Accountable and Collegial Framework for University Governance

PUA and USAP argue that improved governance will address the problems besetting the University of Sydney as well as other NSW universities. In the absence of statutory and regulatory reform to address the governance structure and cultures of universities, they will continue to drift further from their core mission to be public institutions producing and disseminating information for the public good, and be increasingly at odds with traditional and international expectations of universities as articulated in the Magna Charta Universitatum [11]. Notably, many Australian universities are signatory to this charter, but do not act in a manner that appears to be bound by it. To our minds, this underscores the need for governance reform.

This situation needs to be addressed for the benefit of students, academics and society at large.

A more rigorous, accountable, and collegial framework is required for university governance. Moreover, structures for establishing and safeguarding academic values and freedom are lacking, and PUA proposes a series of changes we believe would strengthen governance and accountability in a way that would support improved and sustainable service to the community.

3.1.c. We Suggest that the Acts Governing the University of Sydney as well as Other Universities be Amended Accordingly, with Ministerial Directives to be Issued Effecting Necessary Reforms While Acts Are Under Review

We suggest five separate recommendations below that we believe would address these issues if implemented.

We urge the Minister and his Ministry to consider emendation of the various Acts that govern NSW Universities to implement the recommendations that we make below.

We also suggest that the Minister should issue directives to commence implementation of the below recommendations as an interim measure while the Acts are under review.

3.2. Recommendation 1: Obligation of Universities to Operate in Accordance with Academic Values to Improve Delivery of the Academic Mission and Accountability

It should be made obligatory for all parts of each university to work in accordance with core academic values. We think this would entail at least three separate regulatory instructions in all relevant policy and procedure documents produced for and by each university.

Firstly, academic values should be briefly defined in all university documents relating to policies and or procedures, and we suggest the following as underlined:

Academic values comprise: rigour in expertise; commitment to advancing and promulgating knowledge; collegiality; freedom of speech; robust intellectual discourse; freedom of academic research; and truth in all academic works.

And secondly, all these internal university documents should specify how these academic values are to be applied. We suggest the following form of words: This policy (or procedure) is to be interpreted and acted upon in a manner that is consistent with these academic values.

This would provide guidance for any member of the university seeking to apply the specific policy or procedure, to ensure that these are acted upon in a manner that supports the academic mission.

In addition, this would improve accountability, by providing a formal documented basis for legitimate objection to any transgressions that undermine the academic mission.

3.3. Recommendation 2: Improving the Informed Academic Perspective of the Senior University Governing Bodies

University 'senates' or 'councils' are currently comprised mostly of representatives from the community and or industry, and have few actual academic representatives.

This fails to take advantage of the informed perspective of active and experienced academics in these important governance bodies. In these key governance assemblies, informed academic perspective is too readily overwhelmed by the uninformed. Similarly, current arrangements fail to make proper use of the corporate expertise of senates or councils, because there is insufficient contact between representatives of corporate and academic cultures, for academics to access the corporate expertise available.

We suggest that there should be significant change to the composition of university governance structures as follows:

a) The governing bodies of NSW public universities must be composed of a majority of experts in academia and tertiary education, as well as including individuals (including alumni of the university) who represent the broader communities that universities serve. Financial, commercial and corporate expertise must be maintained, but must not dominate the composition of any university's governing bodies.

b) At least half of all members of governing bodies should be elected by and from within the university community (representing academic staff, non-academic staff, students and alumni).

In addition, we suggest that academic Fellows in the University Senate, no longer be excluded from any Senate committees.

3.4. Recommendation 3: Restoring Independence and Power of the Senate for Oversight of University Management

The current practice of management controlling the agenda for Senate meetings, and also swamping Senate Fellows with piles of 'required reading', should cease.

Senate should have its own independent secretariate that seeks information from management but also facilitates the Senate in setting its own agenda for discussion, and in gathering information from management, staff, students, alumni and other stake holders, independent of management interference.

3.5. Recommendation 4: Improving the Status and Quality of the Most Senior Academic Managerial Appointments by Specifying Minimum Requirements for These Positions

Currently, the expected level of training and experience of vice chancellors, pro vice chancellors, provosts and chancellors is not specified. Inappropriately qualified appointments are thus formally possible, and this undermines not only the likely effectiveness of the appointees, but also the respect they are able to command from the legion of highly expert academics they are meant to lead.

AAUP recommends specification of minimum qualifications for holders of all important academic leadership positions, in accordance with our separately published general recommendations for university governance structures as per the following:

University chancellors, vice-chancellors, pro vice chancellors, and provosts should be democratically elected by the university community with candidates selected from among the most distinguished academics after wide consultation with all members of the university. The selection committee should be drawn from the university community (including academic staff, non-academic staff, students and alumni) and should include representation from a wide range of discipline areas.

3.6. Recommendation 5: Ensuring Accountable Executive, Fiscal and Academic Decision Making

We suggest the below governance principles should be applied in universities.

Open Deliberation of Key Governing Bodies Including the Council and Senate

To ensure transparency, wherever possible, meetings of the governing body of all universities should be open for members of the public to attend as observers. Furthermore, detailed minutes should be made publicly available in a timely manner, and both the agenda and agenda papers, wherever possible, should not be confidential and should be made available prior to the meeting to both the university community and to the public.

Leadership, Management and Decision Making at the Faculty / School / Discipline Level Should be on a Collegial Basis:

All academic decisions should be made collegially by the academic community. Major decisions within particular faculties, schools or disciplines should involve the entire faculty, school or discipline following academic values and democratic principles. Faculty, school or discipline leadership/management should be either elected from within the faculty, school or discipline, or recruited from outside by a selection committee containing a majority of members from within the faculty, school or discipline.

Executive Positions and Salaries, Remuneration and Fringe Benefits Should Be Capped and Aligned with Those of Other Leaders of Public Institutions:

All salaries of the executive officers of Australian public universities – including, but not limited to, vice-chancellors – must be aligned with those of other leaders of public institutions and capped at twice a professorial salary. Furthermore, all salaries, remuneration and fringe benefits must be made fully public.

The hiring process of all executive officers must be undertaken by committees that represent the university community (including academic staff, non-academic staff, students and alumni).

Annual Reports to Parliament Should be Openly Examined and Scrutinised in Parliament:

Universities do provide annual reports to Parliament, but these appear mostly waved through without public examination or critical evaluation of the claims made by university management. The lack of open critical scrutiny supports the current managerial abuses and also deprives the public of surety in the probity of its universities. We suggest that as a matter of course, that reports made by universities to parliament should be examined in parliamentary public hearings, to which the public can make submissions. This would provide improved information and context to Parliament on the reports of the institutions that function under the aegis of the State legislature, and that serve the community of NSW.

3.7. Recommendation 6: Protection and Promotion of Academic Freedom, Independence and Autonomy

We believe that academic freedom should be enshrined in all legislation and regulations that govern universities, and should be incorporated into key university documents, in a manner that ensures application throughout the entirety of each university, and in all academic works.

USAP and PUA believe that academic freedom is of such importance to the function of universities that each institution should have an Academic Freedom and Integrity Committee. Such committees would be comprised of experienced senior professors who do not hold executive leadership roles, there being one representative from each faculty or School, and all of whom have delegated authority to act to maintain standards of academic freedom and integrity. Such structures would be capable of providing informed and direct advice on academic freedom and integrity to the senior governing bodies of universities, independent of direct control by the university's executive.

3.8. Recommendation 7: Protection and Safety at the Workplace

The abuse of university staff by authoritarian management that we describe is in breach of extant laws and indeed the stated policies of universities. By the means we have already outlined, university managements remain unaccountable to those laws and policies. Similarly, university management remains immune to accountability for potentially corrupt acts.

Government should take positive action to ensure that extant laws protecting university staff from abuse should be applied, and that universities uphold the spirit and purpose of their own policies that are stated to protect against abuse. Government should also take positive action to ensure that potentially corrupt acts by university management are properly investigated.

USAP can provide details if wished, of instances where whistle-blowers have been subjected to systematic institutional abuse. This extends even to being driven out of academia by: administrative abuse: deliberate mismanagement; the spreading of false information to effect professional reputational damage; and the construction of demonstrably false redundancies. Notably, this has been despite the legislated protection of whistle-blowers that is meant to be afforded by public interest disclosures recognised by the ICAC and or internal university audit units. University managers for whom acts of corruption and or serious misconduct can be proven, are shown to be entirely immune to the established legislative structures, to the detriment of not just the affected whistle-blowers, but also the entirety of the public that pays for and is dependent on the good service of universities.

4. USAP and PUA Stand Ready to Assist the Minister in Any Way

The expertise of the USAP and PUA is significant. We are committed to the academic mission, and stand ready to assist the Minister and his Department in any way possible.

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