

0522

# ON DIT SPECIAL: THE NEW ACT

For eighteen months it has been known that Parliament is agitating for a revised University Act, presumably one under which student unrest at this University could be effectively foreshadowed and "trouble" stilled.

A proposed draft Act has been in circulation since the end of last year, but it was in the first term of this year that the issue became a major one. The matter was debated throughout the university, as was the more troublesome but unavoidable problem of the nature and philosophy of the University itself.

After a series of mass staff-student meetings, a consensus was reached that the Draft Act was unacceptable in principle and practice.

The Draft Act was returned to the Committee who considered all the reports from the sections into which the University had been divided. There is now an amended Draft Act for consideration by the Council.

It has been relayed (presumably for information) to the students, but it has certainly not been referred to the University for further discussion.

ON DIT feels that this issue, and the ensuing widespread discussion, are too important to be allowed to slip under the odium of third work pressure.

Accordingly, we present in this Special Edition of ON DIT, a radical criticism of the cited principles governing the amendment of the original draft, and an enunciation of a set of working points by which one might consider the present committee hierarchy.

Now that the issue has been brought out into the open, there are those who argue that nothing can be done without first determining the governing principles along which a University ought to be run. They say, that it is better to send no submission to Parliament, than to patch up something which is simply rearrangement strictly within the tacitly accepted framework, without any analysis of that structure.

They argue further, that should a radical consensus be reached, it would be preferable to submit to Parliament a Draft which would be obviously unacceptable to the established powers, rather than to send a compromise debasing the acceptable principles.

Meanwhile, it is known that the Attorney-General, Mr. Millhouse, will present his own Draft Act to Parliament if there is no submission from the University by the end of the year. From the Council's determination to push through to a decision, it can be inferred that they would be reluctant to see this happen.

The Council must be criticized for not being consistent in acting on its principles. For the same reasons that it threw open discussion within the University on the original Draft, it should have returned the amended Draft for further debate within the University.

An answer that nothing new could have been added to the arguments that the Special Committee already had before it, will not do. As can be seen from a single criticism of the Committee's report, there is much more to be said.

Implied in such an answer, and in the entire way that this matter has been handled, is a very strong reassertion of basic paternalism. With the reminder that debate has never been so widespread on such an important issue, there is the implication that it was proper that only the voluntary benevolence of the Council could allow such debate to take place.

It is precisely this assumption which must be challenged. One way of challenging it, is to demand that the debate continue without any decision by the Council. However, the spectre of Parliament and Mr. Millhouse looms still.

Criticism must also be made of the amendment as it stands. The addition of two students is a woefully inadequate gesture. It can hardly be called representation. To cover unavoidable absences because of study commitment, to make more effective the voice of a large part of the University, and to allow for the presentation of a diversity which undeniably exists, the number must be increased. The S.R.C. has recommended that it be to five.

Should this be done, the choice becomes less hopeless. It is then one between the (possibly) working compromise of a sizable proportion of staff and students, and the stand on principle, that no decision can yet be made.

At present, the immediate members of the university, the staff and students, have no say. They may opine, but their influence depends largely on the attitudes of a restricted and paternalistic Council. This structure is unacceptable. So is the proposed amendment. No one has yet suggested that we gamble on Mr. Millhouse. The amendment can be made more acceptable; should it be so modified, then it must be submitted, compromise though it may be, for consideration by Cabinet.

One overruling proviso remains. The passing of any 'improved' Draft in no way implies that the matter is closed. This must be stated explicitly, and by the Council itself. Appraisal of the University, and an elaboration of its Philosophy, must not be allowed to lapse.

Copy Deadline for the last issue of ON DIT is Friday October 3rd, 6.00 p.m.

# NEW DRAFT ACT CONCEDES TO PRESSURES, BUT EVADES PRINCIPLES

This Friday the University Council will decide for or against the new (Second) Draft Act, allowing for changes in the composition of the University Council in the future. The Special Committee which prepared the draft comprised Dr. Hambly (Deputy-Chancellor), Professor Badger (Vice-Chancellor), Professor Barnes, Professor Karmel (Flinders Vice-Chancellor), and Justice Roma Mitchell.

The Second Draft Act follows the rejection of the first in first term by staff and students, and considerable political ferment on campus.

The Draft is a judicious amalgum of submissions by the following "bodies of the University":

The Ancillary Staff Association  
The Education Committee (all departmental heads)  
The Finance Committee  
The Graduates Union  
The Staff Association  
Standing Committee of the Senate  
Students Representative Council  
The Union Council

## FROM STATUS QUO TO FIRST DRAFT

The first Draft disappointed (primarily) staff and students because of (a) the apparently undemocratic means by which it was being considered, and (b) because its "attempts" to provide student and staff representation were inadequate, and nullified by introducing "coopted" (at will) members, and adding more ex officio members. As the ON DIT heading commented at the time, benefits were "Given with one hand, taken with the other."

## FROM FIRST DRAFT TO SECOND

Since the furore of first term, what has the Special Committee decided? The M.P.'s remain the same, two undergraduates remain constant. Coopted members, and two ex officio members are out. The really important change relates to the Senate. It is now defined as an electorate, sending 21 representatives (present figure is 10); but the composition of the Senate has been changed to account for this increase.

Formerly the Senate comprised only graduates of Adelaide University, but it now includes academic staff, ancillary staff, administrative staff, postgraduate students, as well as mere graduates long gone from the University.

So the Second Draft Act provides no increase in student representation, provides a postgraduate student rep, and provides for at least 6 and no more than 8 academic staff members. Given that "... the most important reason for opening the Act is to facilitate the election of students to the Council ..." according to the Special Committee, this result seems paradoxical.

## TIMIDITY AND CONFUSION IN REPORT.

Accompanying the Special Committee's recommendation are reasons for their proposals, in a Report. On the basis of the text of this report more devastating criticisms of the Committee's work can be made. The reasoning in this document shows an astonishing inability, from such intelligent people, to reason from first principles. The Committee appears to have capitulated to a set of "nice guys", trying to remain friends with everyone. Where questions of principle are in conflict, however, this approach is disastrous.

What has happened to the optimism and questioning of first term? The attitude of analysing the role and nature of the University in society? The notion of staff-student control? The Committee says (p. 5) that they believe "... it is undesirable and unnecessary to try to define the constitution and functions of the University in an Act of Parliament ..."

The SRC submission contained two basic proposals: that staff and students combined should constitute half of the Council; that a common roll of staff and students be used to elect these representatives. The Report rejects the idea of a common roll, or single electorate, on the grounds that (p. 2) "... this suggestion does not command wide support." No indication is given of who opposed and supported it, and what their reasons were. Further, the Report states (p. 3): "An extreme view, held by minorities of staff and students, and based on the argument that those affected by decisions should have a strong voice in the making of them, is that the Council should be composed almost entirely of staff and students."

The report then goes on to discuss ancillary and academic staff representation, giving no assessment of the staff-student control idea, and without saying why it rejects the principle of democratic decision-making! Does the Committee realize that a principle, with a certain critical content implied, is being asserted here, and that principles might underlie any proposals that are put forward?

## LESSER PRINCIPLES IGNORED TOO!

Other, lesser-order principles, are also treated in a quite nonchalant manner. e.g. the suggestion that there be no coopted members is treated this way:

"except in the Council itself and its two principal committees there is almost unanimous opposition to power of cooption, the opposition deriving from adherence to the view that as far as possible the governing body of the University should be composed of elected members."

The report then drops the idea of coopted members,

without saying why! The report never discusses the elective principle as such, and certainly does not encourage it on principle. It makes no effort to define what "as far as practicable" means.

Another example is the Report's use of the word "participation" when dealing with election of student representatives. It says that there should be "... as high a degree as possible of participation by the whole student body". Clearly, they do not apply the same principle to the Senate.

A further case in point is the suggestion that postgraduate students have needs and interests separate from undergraduates. "The Special Committee concurs with that view", the Report states. Then they recommend that one postgrad student should be returned from the Senate electorate. They again provide no reason for suggesting this—nor do they make explicit any similarity/conflict of interests postgraduate students might have with ancillary staff, non-University lawyers and administrative officers!

## CONSENSUS POLITICS

What, then, is the Special Committee's method in proposing changes? They have consulted the various bodies "within the University" (itself a shifting term), and attempted an amalgum of them all. This has its problems, of course. "... some (submissions) were in conflict with those from other groups, and it has been impossible to obtain an accurate consensus of opinion on several topics ..." And then, paradoxically, they say: "... it is clear that no composition (of Council) will be entirely acceptable to all members of the University. The Special Committee has attempted to make recommendations which it believes will be widely accepted."

This seems to assume that students (and staff) whose views have been in practice ignored will submit to the "legitimacy" of the Committee.

The Special Committee's approach has within it, the following assumptions, although these are not spelled out:

1. Some (minimal) student representation is desirable;
2. Some (more than minimal) staff representation is needed to give "the academic viewpoint"—which assumes students have no say in academic matters;
3. Some postgraduate representation is desirable;
4. It would be undesirable to unsettle MP representation;
5. It would be undesirable to unsettle the bloc of lawyers and doctors who comprise the majority of the Senate representatives at present.

This last point is crucial. The protection of this bloc has been ensured by both First and Second Drafts. No reason is given for retaining them; it is not even suggested that these men have useful "experience in the community" that is helpful for Council. The specification that the Senate quorum be twenty members shows how little the Special Committee think of the opinion of graduates at large, so one can only assume that they are not prepared to unseat this controversial group.

The practical results of this Draft Act, if accepted by Council on Friday and subsequently by the State Government, are regressive, in term of the staff-student community control principle. The simple notion that students and staff need representation has been accepted, so what's new? A student electorate is provided each year with a chance for a highly participatory election of one student, and that late in the year, in October. The idea of staff representation has been squeezed into a polyglot "senate" electorate, implicitly denying any sense of community in this educational institution. The new Draft has, therefore, not advanced the implementation of staff-student control at all, except by the mere fact of opening the Act.

## HOW LEGITIMATE IS THE SECOND DRAFT?

If the Council decides for the new Draft on Friday night, not only will they be rushing a piece of highly contentious legislation through an elite body on which "the members of the University" have no say, and thus denying the democratic principle, but they will also be passing a very unsatisfactory piece of thinking.

Given that student and staff wishes have been effectively ignored, their extreme sensitivity to Government pressure for superficial change means that they are breaking their moral contract with those under them, the staff and students. In this sense, they are being irresponsible, and their legitimacy to speak in the name of the University droops. If the proverbial "breakdown in communications" occurs over this issue, between students and administration, then the Special Committee and Council will have the case to answer, not the students. The Committee, and the whole Council itself, will have to decide to whom they owe their loyalties—the University community which is stirring, or the Government.

Warren Osmond



# PROFESSOR GEOFFREY BADGER

## STUDENT PARTICIPATION: A PERSONAL VIEW

Discussions on the student role in University government are in progress not only in Adelaide but in Universities all over the world. Everywhere people are seeking to determine the proper role of students in a "community of masters and scholars", and at the same time to try to improve the decision-making processes.

There seems to be a real need to establish a set of principles so that membership of particular committees is not determined on an ad hoc basis. I tried to do this a few months ago and circulated a document, dated June 9, to members of the Education Committee. I explained that the views expressed were my own, that they were by no means firm or fixed, and that they could well be modified, or even completely changed, by discussion and debate. The views expressed in that paper differed in some respects, for example, from the views I held a year ago and, to a much greater extent, from the views I think I would have held five years ago.

The Education Committee has already come to certain conclusions as a result of that document, and from a consideration of the answers to a questionnaire which was sent to all members of the academic staff.

The notes which follow are still essentially the same as the document of a few months ago, but they have been revised in the light of the discussion in the Education Committee. The particular views expressed are still my own and do not necessarily represent University 'policy'.

### PRINCIPLES

I should like to begin by enunciating five principles

1. The first principle is that a University is not a democracy in the sense that the views of all its members should be given equal weight on every issue. On some issues the student members of the University should have the major say or even the sole right to participate in the decision-making process. In other areas the academic staff should have the major or sole right; and in other matters, financial investments for example, greater weight can perhaps be given to the voice of some graduate members of the University.

In its Report to Oxford University the Hart Committee suggested that the distinctive purposes of a University are

"the advancement of knowledge and teaching, conceived not as a mere transmission of knowledge, but as the development of powers of criticism and judgment and the adjustment of the vitalising interplay between research and teaching. In our view, no theory of legal and political rights for the conduct of a society as a whole, not even democratic theory is transferrable to these distinctly academic activities. Since there are these distinctive purposes to be pursued, it is, we believe, plain that teachers equipped by skill, knowledge and experience, training and continuing professional association with a university should have a final authority as to the manner in which they are to be pursued."

2. The second principle is that individual academic freedom needs to be maintained for all members of the academic staff.

In this connection the Report of the Robbins Committee may be quoted.

"For the individual teacher academic freedom means the absence of discriminatory treatment on grounds of race, sex, religion and politics; and the right to teach according to his own conception of fact and truth, rather than according to any pre-determined orthodoxy. It involves, further, freedom to publish and, subject to the proper performance of allotted duties, freedom to pursue what personal studies or researches are congenial... Difficulties may arise for the individual teacher through his position as a member of a department and of an institution, and in his relations with his colleagues... The conception of proper academic freedom does not include the right to refuse to perform a due share of necessary duties or to accept an assigned place in work demanding co-operation, but it clearly includes the right to some participation in the formulation of common policy."

Two additional principles, which are subsidiary to the first, may also be enunciated.

3. Committees which are responsible for any aspect of student welfare should have student membership, the extent of which should be determined by the extent of the welfare function. (I don't think I want to try to define 'welfare', but I would interpret it broadly and include teaching methods, contact hours, and so on).

4. Committees which are responsible for the academic standards of the University should have academic staff membership, the extent of which should be determined by the extent of the academic standards function.

There is also, I think, a fifth principle which needs to be enunciated. It is a principle which in some circumstances must, in my view, stand above the others.

5. The rights of the individual student and staff-member should be protected. These rights include the maintenance of confidentiality with respect to the private affairs of students and staff.

### MEMBERS AND OBSERVERS

There is a fundamental difference between the members of a committee and those who attend a meeting of the Council as observers, and this should be stressed.

A member of the University may become a member of a University Committee by virtue of his office; he may be nominated (e.g. by the Head of his Department); or he may be elected (e.g. by the Senate, by the S.R.C., or by the students of one Faculty). Once he becomes a member he has full and equal rights to participate in the discussion, and full and equal voting rights as the other members of that committee; and he has equally full responsibility for the committee's decisions. This responsibility of course includes confidentiality when this is involved.

In contrast, a member of the University (student, staff or graduate) who attends a meeting of the Council as an observer does so as an individual. He cannot participate in the debate and discussion, but can simply observe the operation, and hear the deliberations, of the Council. He accepts no responsibility for the decisions reached, and no responsibility with respect to confidentiality.

### COMMITTEES

If the five principles are accepted (and they may not be) they can be used as guide-lines for discussions on student membership of committees within the existing structure of committees at the University.

The third principle leads to the conclusion that students should be strongly represented on all committees in the Union, and on the Union Council itself, perhaps to a greater extent than at present. It also means that students should have some membership on the University Council, but in my view this membership should perhaps be less numerous than on the Union Council (as the University Council has much less involvement with student welfare and more involvement with financial, managerial and legal affairs, and so on). It follows also that there should be student membership on the Sites and Grounds Committee (general appearance of buildings and grounds, and provision of staff-student facilities), and on the Library Committee (hours of opening, multiple copies, services, etc.).

The Board of Discipline has a strong student welfare function, and on this ground it can be argued that it should have some student membership. It might be thought that students would not be anxious to take part in any process which might lead to the suspension or expulsion of another student; but I believe that students would be willing to accept this unpleasant responsibility. The Board sometimes has an academic-standards function, particularly on occasions when it has to investigate alleged cases of cheating at examinations, and this must be protected.

### CLAUSE 4C

The Council Committee on Clause 4C matters also has a student-welfare function, and it can therefore be argued that one or more student members should be added to the Committee. The Clause 4C Committee is not concerned with academic issues (these have been determined by the Faculties and are set out in a series of Faculty rules), but with any special grounds which exist which can be held to explain academic failure, and which could lead to a recommendation to the Council that the student concerned be allowed to continue his studies. The Committee therefore has to consider letters of a confidential nature from the student, from his parents, from student welfare officers (Warden, Student Counsellor, Director of the Health Service), from staff-members in the Department of Mental Health, from the student's own medical adviser or from his Minister of Religion, and so on. Many of these letters contain intimate details concerning family conflicts and other problems which should be known only by those people who need to know. I used to think that students being considered by the Clause 4C Committee would not like other students to know the intimate details of their problems and that they would prefer these matters to be known only by staff and others more distant from them in their daily lives; but I have talked to some students who have been considered under the provisions of Clause 4C, and I do not now feel so confident that this is true. Accordingly I believe that the student-welfare function of this Committee should make student membership possible, if it can be shown that "potential" Clause 4C students have no objection. In this respect a vote by non-Clause 4C students would be entirely unconvincing. I am sure that student-members, if appointed, would respect the confidentiality of the matters discussed as responsibly as staff-members or other members. On the other hand the fifth principle enunciated above required that confidential matters about the private affairs of

students should not be disclosed to anyone who does not need to know. I conclude therefore that observers should never be permitted at meetings of the Clause 4C Committee. Moreover, I am convinced that the student welfare officers, medical officers and others, will not supply the helpful reports which they do at present unless they can be assured of confidential consideration only by those who need to know.

### FACULTIES: STUDENT WELFARE

Faculties have a strong academic standards function and indeed they are the prime guardians of the University's academic standards; but Faculties have also had a student-welfare function the extent of which seems to vary from Faculty to Faculty.

The Student-welfare functions of Faculties include teaching methods, contact hours, the load of essay, reading and other prepared work, the timetables, the examination timetables, the procedures for examinations and other academic assessments, and so on. The University has been engaged in an experiment to see whether such student-welfare matters could be adequately considered by new Committees known as "Curriculum Committees" or "Dean's Committees". These Committees have joint staff-student membership, and in my view should have a fair percentage of students.

Opinion has, however, been crystallising that students should also be added to Faculties, and a recommendation is going to the Council that changes be made in the Statutes to enable Faculties to add 3 or 5 students (depending mainly on the size of the Faculty) should they wish to do so.

The Education Committee is the senior academic committee in the University. As such it has a strong academic function and, although it has some student-welfare function, this is usually relatively unimportant. It is primarily a "Heads of Department" Committee and it differs in principle from the "Academic Committee" at Flinders, and at some other Universities. The membership of the Academic Committee at Flinders includes all Heads of Schools (but not the Heads of Disciplines), and some elected members, including sub-professorial members.

### OTHER COMMITTEES

This brings me to some of the other academic committees, the Appointments Committees and the Promotion Committees. Such committees have to make academic judgments on the relative merits of members (or potential members) of the staff; and confidential reports written by external referees, and or from Heads of Departments, are considered. The academic judgments required (fourth principle) would seem to me to preclude student membership of such committees; and the rights of individual staff members to confidentiality about their affairs (fifth principle) leads to the conclusion that the presence of observers (staff or students) at such meetings would be inappropriate. This is strengthened by the fact that referees and others would be unable to give complete assessments if their letters were to be regarded simply as open testimonials for all to read. Most referees would simply refuse to act.

### STUDENT MEMBERS INAPPROPRIATE

Of course it can be held that students have such an interest in the teaching abilities of staff-members that some students should be members of Appointments Committees and Promotions Committees. I do not myself feel that this follows; but perhaps there are ways in which student views on teaching abilities could reach the committees concerned.

The Scholarships Committee is another example of a committee where academic judgments (in this case judgments about students) are paramount. Student members would clearly be inappropriate.

I come now to the "money" committees, the Allocations Committee and its five subsidiary committees, and the Finance Committee.

Students do have views on the distribution of money between the various academic areas; but it can be questioned whether any student has sufficient background to be able to form any proper judgment on the issues before these committees, at least for the present. Postgraduate students do have a special interest in some research matters, and this has been recognised by the establishment of a Consultative Committee involving members of the Board of Research Studies and of the Research Executive Committee.

However, as both these committees deal with the academic assessment of postgraduate students, student membership would be inappropriate; and as the matters involve confidential referees' assessments, the presence of student or staff observers would also be inappropriate.

### FINANCE COMMITTEE SEPARATED

The Finance Committee is even more separated from the area of student experience and it has little or no student-welfare function (except that it may sometimes be concerned with the legality or otherwise of some activity). In these cases student membership of the Council itself may provide the necessary means of student participation in the decision-making. Finally, it must be recognised that the Finance Committee spends a good percentage of its time on staff problems many of which, in accordance with the rights of individuals, have to be regarded as confidential and known only by those who need to know.

ON FRIDAY THE  
UNIVERSITY  
COUNCIL  
WILL MEET TO  
DECIDE  
ON THE  
AMENDED  
DRAFT ACT  
IT'S THIRD  
TERM:  
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COUNCIL  
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2:20 PM

Nominations are called for the position(s) of:

"ON DIT" EDITOR(S), 1970.

Nominations should be handed into the S.R.C. Office by 5 p.m. on Wednesday, 15th October, and should be accompanied by a written policy statement which can be duplicated and circulated to S.R.C. members. The election of editor(s) will be held at an S.R.C. meeting scheduled for Wednesday, 22nd October.

### REFECTORY SURVEY

OPEN MEETING  
THURSDAY 1.00 p.m.  
LADY SYMON LIBRARY  
THIS WEEK

Mr. Elliot Dwyer will give a report on the Survey Conducted last term in On Dit.

Members of the Refectory Management Board will be present to answer questions.