

Submission to the Australian Universities Accord Panel

Review of Australia's Higher Education System

By Public Universities Australia

Executive Summary

We, Public Universities Australia, represent a broad range of voices in the University Sector (see below).

We believe that the core purpose of a university is to create and disseminate knowledge as a public good, and to provide the wider community with a reservoir of highly specialized and transdisciplinary expertise. This purpose is underpinned by core academic values of intellectual rigor in expertise, collegiality, freedom of speech, robust intellectual discourse, freedom of academic research, commitment to advancing and promulgating knowledge, and truth in all academic forms of work.

Academics are trained to a high level of expertise, unique to each academic discipline, and so have unique insights into the research and teaching needs of their discipline areas. Academic freedom entails trust given to academics to undertake teaching and research, and any infringement of such freedom by management structures can, and does, hinder the operation of the university.

Our observation is that current governance arrangements across most if not all universities in Australia are not adequately aligned with the core functions of universities. We argue that this reflects a failure of university management to work in accordance with traditional academic values, and that great improvement in the operation and productivity of Australian universities could be achieved if core academic values were entrenched in University Acts and policies. This would establish unifying principles that would align the efforts of all members of the university, including management, academics, professional staff and students, with the core functions of universities.

Our view is based on having accumulated significant evidence of degrading academic standards, often related to management dictates which disregard the complexities of academic work, suppress academic freedom and freedom of speech, and abuse the goodwill of academic and professional staff by both imposing unsustainable workloads inconsistent with high quality education, whilst simultaneously demanding often unproductive work. Students are treated as 'customers' and 'cash cows', rather than critical national human capital for which universities have a responsibility to develop.

We contend that the replacement in recent times of collegial academic decision making, with corporate-top-down management, has comprehensively failed. The pursuit of higher academic rankings and imposition of corporate-style performance criteria to achieve them, has lacked the informed collegial academic nuance necessary for mature implementation, and have contributed to adverse outcomes. The moral and civil responsibility articulated by a key founding document for Australian Universities, The [1957 Murray Report](#), has been forgotten, and must now be remembered (*please see box below*).

While we are optimistic for improvement, we do not believe that this will be possible without aligning university governance with core academic values, and it is for this reason that we urge the panel to consider university governance and academic values as a key focus for consideration.

The defense of the idea that the University must be understood as a moral institution if it wants to make credible contributions to the pragmatic needs of the day was spelled out clearly in what can be viewed as a founding document of the university sector in Australia, the [1957 Murray Report](#) published by the Federal Government. An extract is as follows:

'Here is one of the most valuable services which a university, as an independent community of scholars and inquirers, can perform for its country and for the world. The public, and even statesmen, are human enough to be restive or angry from time to time, when perhaps at inconvenient moments the scientist or scholar uses the license which the academic freedom of universities allows [her/him], and brings us all back to a consideration of the true evidence and what it may be taken to prove ... No nation in its senses wishes to make itself prone to self-delusion, or to deceit by other nations; and a good university is the best guarantee that mankind can have that somebody, whatever the circumstances, will continue to seek the truth and to make it known. Any free country welcomes this and expects this service of its universities'.

Importantly, as the University is expected to play a prominent role in innovation, Government also has to recognise that drawing economic value from the University will fail if academic values are eroded and a costly bureaucracy steps between the intent of Government and those who factually deliver the outcomes. Unchecked senior management is 'human enough' to distort and subvert the purpose of the University.

Who is Public Universities Australia?

Public Universities Australia (PUA, [website https://puau.org/](https://puau.org/)) represents a broad range of voices across the Australian university sector and speaks with representation from the following organisations:

- [Australian Association of University Professors \(AAUP\)](#)
- [Academics for Public Universities \(APU\)](#)
- [Council of Australian Postgraduate Associations \(CAPA\)](#)
- [Casualised, Unemployed & Precarious Uni Workers \(CUPUW\)](#)
- [National Tertiary Education Union \(NTEU\)](#)
- [National Aboriginal & Torres Strait Islander Postgraduate Association \(NATSIPA\)](#)
- [National Union of Students \(NUS\)](#)

This Submission Relates to Several but Not All Terms of Reference

We are grateful for the opportunity to contribute to deliberations of the Panel. However, while we would hope to make contributions to all of the published terms of reference as the panel expands its consultations into 2023, we feel it is most sensible for this current submission to address what we believe to be the main issue, that of governance in Australian universities, which is included in the fourth published term of reference for the panel.

Nonetheless, because good governance gives good results, we see that our submission does relate directly to the following terms of reference:

1. Meeting Australia's knowledge and skills needs, now and in the future
4. Governance, accountability and community
5. The connection between the vocational education and training and higher education systems
6. Quality and sustainability
7. Delivering new knowledge, innovation and capability

The Basis for Our Advice to the Committee

Governance Structures are Disconnected From the Academic Mission

At present, the governing bodies of most if not all universities, including: 'councils' or 'senates' (depending on the specific university involved); vice chancellors; 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 most senior governing bodies (councils or senates) of Australian universities have 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, perhaps in response to the increasing size and complexity of universities, 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.

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.

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 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. These values are:

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

Managers in Universities 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

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).

Unfortunately, this seems often not understood by university managers, who 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.

Necessary Academic Freedom is Lacking in Australian Universities

PUA observes 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.

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. Research (see, for instance, (2)) has shown that Australian universities can no longer be described as democratic or collegial. As their mission consequently drifts from public service to corporate interests, their 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.

PUA argues that improved governance will address the problems besetting Australian 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 (3). 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 Australian society at large. Finally, PUA argues 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 critically 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 Australian Universities, the Murray Report 1957 (4), clearly articulated the role of universities in democratic civil society, a role that does seem to have been forgotten but must now be remembered.

At a time where public discourse seems increasingly unable to separate self-interest from the public good, or indeed identify truth from fiction, this is a crisis not just for universities but also for civil society. From a democratic standpoint, it becomes vital to support scholars who think critically and freely, who do fundamental research, and who mentor students, and this must be protected in our universities. Academic freedom and adherence to academic values is a democratic imperative that must be insisted upon in opposition to the inappropriate imposition of corporate practices.

Specific Recommendations for Consideration

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.

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 two 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: rigor in expertise; collegiality; freedom of speech; robust intellectual discourse; freedom of academic research; commitment to advancing and promulgating knowledge; 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.

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 significant change to the composition in accordance with our separately published general recommendations for university governance structures as follows:

a) The governing bodies of Australian 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).

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.

PUA 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.

Ensuring Accountable Executive, Fiscal and Academic Decision Making

We have published a series of guidelines for university governance on our website and these are copied below. Inclusion of these principles will improve accountable executive, fiscal and academic decision making.

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:

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:

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).

Protection and Promotion of Academic Freedom, Independence and Autonomy

Embedding and Protecting Academic Freedom via a Designated Committee

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

PUA believes 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.

Supporting Academic Freedom by Reducing the Vulnerability of Academics to Managerial Abuse

PUA has encountered many instances where the management of Australian universities has suppressed academic freedom and abused academics through fear and intimidation. On our website, we have published a series of general recommendations for Australian universities to address this. We recommend that these principles, copied below, should be incorporated into university governance clauses to help protect academic freedom.

- Universities must provide secure, safe, non-exploitative employment, as well as tenured academic employment.
- Casual and fixed term ongoing academic employment must be limited as much as possible. Ideally, no more than 20% of full-time equivalent ongoing academic positions should be filled on a casual basis.
- Academic staff must have the opportunity to undertake both research and teaching activities.
- Maximum academic workloads must be standardised to ensure that appropriate time can be dedicated to research and other scholarly pursuits, teaching activities, and regular updates of disciplinary expertise.
- The metrification of academic work should be avoided as far as possible. Where absolutely necessary as agreed by the faculty, school, department or discipline, they should be regularly reviewed by each faculty, school, department or discipline.
- Universities should provide adequate career development opportunities for doctoral candidates.
- Universities should not include in employment contracts, conditions or termination agreements non-disclosure and non-disparagement clauses (and similar 'gagging' clauses) and must ensure all staff are able to access robust and independent whistle-blower processes and protections.

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References

- 1) Evans C, Stone A. Open minds, Academic freedom and freedom of speech in Australia. La Trobe University Press in conjunction with Black Inc. Carlton. 2021. ISBN 9781760641634
- 2) <https://theconversation.com/2-out-of-3-members-of-university-governing-bodies-have-no-professional-expertise-in-the-sector-theres-the-making-of-a-crisis-171952>
- 3) <http://www.magna-charta.org/magna-charta-universitatum>
- 4) Federal Government Report on the Committee on Australian Universities, 1957 (The Murray Report at: <https://www.voced.edu.au/content/ngv%3A53782>)