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Dear All

Like many other academic and general staff members, I am leaving the University. I initially came for one semester and stayed for eight years. This is a testament to the positive attributes of my colleagues in the School of Geosciences, Science Faculty and University community at large. For most of the time, I have enjoyed working here.

However, I have become increasingly disenchanted with the conduct of the Vice Chancellor, his management style and the organisational culture that now pervades university management. The recent judgment in the Federal Court against the University in the dismissal of Assoc. Prof. Ted Steele testifies to the Vice Chancellor's disregard for our Enterprise Agreement. In January 1998, Professor Sutton also unilaterally, and in my and many others' opinion, unfairly dismissed Dr John Formby, formerly a lecturer in the School of Geosciences, for alleged serious misconduct. An internal misconduct investigation was held, but the Vice Chancellor was only going through the motions. At the AIRC hearing, evidence was given that Gerard Sutton had decided to dismiss Dr Formby before the internal inquiry had reached its findings. Like in the Steele case, the Vice Chancellor had made up his mind to dismiss the academic and disregarded due process and natural justice in doing so.

The manner in which the investigation of misconduct was conducted by the University against Dr Formby was identified as a matter of great concern to the Full Bench of the AIRC. There was for example a significant movement in the nature of the charge against Dr Formby to take into account inconsistencies in evidence. Dr Formby has never been found guilty of the alleged misconduct he was actually charged with. Instead, the Vice Chancellor formulated his own view of serious misconduct - a view that Gerard Sutton had never disseminated to the academic community, documented in University policies nor informed Dr Formby of. Justice Branson in the recent Federal Court Decision ruled that an academic staff member could not be found to have engaged in serious misconduct "merely because the Vice Chancellor had formed the view that he or she had engaged in conduct of that kind"[33]. Dr Formby had received the full support of his colleagues (they wrote to the Chancellor demanding his re-instatement) and I understand that members of the Misconduct Investigation Committee did not believe Dr Formby should have been dismissed.

Some of you may be aware of some of the issues involved in the John Formby case - such as the University's EEO Director acting as a solicitor against Dr Formby in the local court or the Head of Campus East providing the University with an affidavit denigrating Dr Formby's character two days before any official complaint was lodged against him, or changing grades in exchange for evidence. These are unacceptable actions. However the University has not reviewed its own processes, conduct and culpability in the John Formby case. The conduct of the University and Vice Chancellor in prosecuting Dr Formby's case was

reprehensible and highly prejudicial to Dr Formby, denying him due process and natural justice. Commissioner Raffaelli upheld the termination of Dr Formby,s employment but he was not familiar with universities and the Full Bench of the AIRC was critical of his decision. Unfortunately, the Full Bench declined Dr Formby,s application for appeal for lack of error of law and jurisdiction not because of the substance of his case. Indeed, the Full Bench stated "We should not be taken to endorse the views and value judgments that of necessity are reflected in the Commissioner,s determination. Indeed, individually or collectively we may not share some of those judgments or views." ([24] AIRC Full Bench, Appeal against Decision, 20/12/99).

I encourage you to support the efforts of the NTEU in defending the rights of academics and in preventing further damage to staff members through the abuse of procedures by University management and the Vice Chancellor. I hope over time, and through your ongoing support and if necessary outside publicity, appropriate reparation can be made to Dr Formby. In the meantime, I wish you all well and thank you for the co-operative, supportive and amicable environment some of you have provided to me over the last eight years.

Kind regards
Laurie Brown

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