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# Sacked lecturer's court triumph

**Aban Contractor**  
Higher Education Writer

The Vice-Chancellor of Australia's university of the year is under pressure to resign after the Federal Court ruled yesterday he was wrong to sack an academic without warning.

Professor Gerard Sutton was found to have breached the enterprise bargaining agreement hammered out with staff last year when he dismissed biologist Dr Ted Steele without due process.

Dr Steele, who had lectured at the university for 16 years, was sacked without warning at the height of the "soft marking" furore in February after telling the *Herald* he had been told to upgrade students' marks.

Professor Sutton said Dr Steele had made knowingly false allegations and put at risk the good name of the university.

The NSW secretary of the National Tertiary Education Union, Dr Mike Donaldson, said yesterday that Professor Sutton's actions had led to worldwide condemnation and a boycott by academic and general staff from many countries, including Britain, South Africa, Canada and the United States. The boycott would now be lifted.

"The NTEU is calling for Gerard Sutton to resign," Dr Donaldson said.

"We think he should follow his own advice: he called upon Ted Steele to resign because Ted Steele had brought the name of the university into disrepute, and it's precisely what Gerard Sutton has done because he's broken the law and behaved unlawfully."

The president of the Wollongong University student representative council, Mr John Finlayson, supported the call, saying Professor Sutton had tarnished the university's good name.

The university's governing body, the 18-member council, will discuss the issue when it meets on Friday week.

A council member, the Labor MLC Mr Peter Primrose, and eight other members have already tried to force debate on the issue, but Professor Sutton convinced the council to wait for the court



Dr Ted Steele leaves the Federal Court yesterday after winning his case against the University of Wollongong. Photo: Peter Rae

decision. Mr Primrose said yesterday that the Federal Court decision had vindicated the stance taken by council members who queried the validity of the action and the enormous expense.

"I, like many others, believe that the other thing the judgment does is show that the actions of the Vice-Chancellor, which [brought] the university into disrepute internationally, have clearly been found to be wrong," Mr Primrose said.

"And I would, as a consequence of that, simply ask for the Vice-Chancellor to consider his position."

Professor Sutton issued a two-paragraph statement yesterday saying the university believed it had operated within its enterprise agreement when it dismissed Dr Steele.

"I have been firm in my opinion that the Federal Court was the appropriate forum to resolve the issue, and the university will now be closely examining all of the

findings of this detailed judgment. On legal advice there will be no further comment at this stage."

However, an emotional Dr Steele stood outside the Federal Court with his legal advisers and union representatives and acknowledged that the decision was probably the first in a series of legal steps.

"I want my job back. I would like to be reinstated. I'm in mid-career."

"I have 13 years to go before normal retirement, and the damages have been considerable."

Justice Catherine Branson did not rule on damages or the issue of Dr Steele's reinstatement.

The latter required further submissions from the parties' lawyers, she said.

The NTEU will send a letter of demand to Professor Sutton today outlining the implications of the decision and asking for the university to reinstate Dr Steele.

**"The court's decision will encourage all academics to engage in public comment and debate - however unpopular - on matters of public importance."**

**Editorial - Page 12  
Dr Steele writes - Page 13**

**The story so far . . .**

**January 8, 2001:** Claims that universities were tweaking marks and passing substandard students revealed in the *Herald*.

**January 16:** Federal Government's watchdog, the Australian Universities Quality Agency, has no power to investigate claims by academics of falling standards and mark tampering.

**January 20:** NSW university campuses littered with advertisements offering essays for sale.

**February 26:** Dr Ted Steele sacked by the University of Wollongong after claiming he was told to upgrade student marks.

**March 20:** The University of NSW becomes the first university to launch a full-scale inquiry into soft marking and falling standards.

**April 5:** Students rally across the country to protest against Federal funding cuts, overcrowded classrooms and falling standards.

**May 14:** National Tertiary Education Union lodges a prosecution against Wollongong University in the Federal Court, claiming it breached its own Enterprise Agreement when it summarily sacked Dr Steele.

**July 17:** University chiefs tell a Senate inquiry that the nation's universities are in crisis.

**August 8:** The Federal Court rules in Dr Steele's favour.

**Whistleblower and uni clash over soft marking claims**



January 18, 2001