

Court victory for sacked academic

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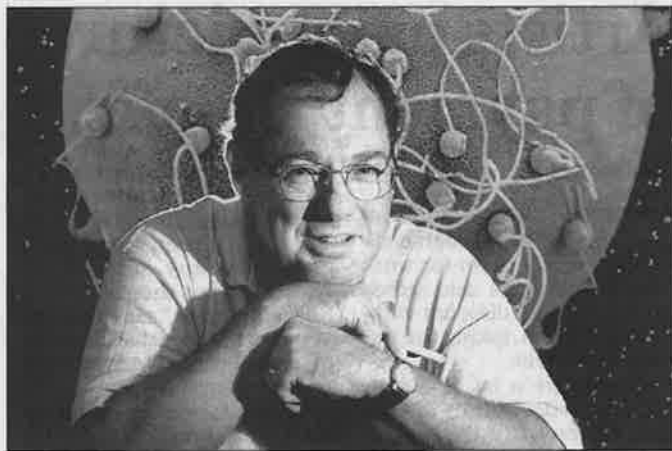
WOLLONGONG University may be forced to reinstate the scientist it dismissed for accusing the university of soft marking after the academics' union had a significant win in the Federal Court yesterday.

The National Tertiary Education Union, backed by the ACTU, said the dismissal of Ted Steele was a threat to all staff in enterprise agreements and to academic freedom.

The union argued the sacking could set a precedent for the university system, and asked the Federal Court to order Dr Steele's reinstatement with lost pay — said to be about \$40,000 — or that the university compensate him.

Justice Catherine Branson ruled yesterday that Wollongong vice-chancellor Gerard Sutton had failed to follow procedures in the university's enterprise agreement for academics when dismissing Dr Steele last February. The procedures include a committee of inquiry before dismissal.

The university had argued



Winner: Dr Steele said he was pleased with the judgment

it could rely on a “much broader” definition of misconduct in the Workplace Relations Act and did not need to follow the disciplinary process.

But Justice Branson rejected this view, saying the university had to follow the agreement's disciplinary procedures under the law.

The judge delayed a decision on remedies such as reinstatement or compen-

sation, giving the two sides five days to reach agreement or make further submissions. In an explanatory statement she said the judgment reflected no view on “the appropriateness or otherwise” of Dr Steele's conduct.

A jubilant NTEU said it planned to press for Dr Steele's reinstatement.

Professor Sutton issued a brief statement saying: “The university will now be closely

examining all the findings of this detailed judgment.”

Dr Steele, a molecular biologist, was dismissed after refusing a demand to withdraw his reported remarks in January that he had been instructed in 1997 and 2000 to upgrade the marks of two honours students in the biological sciences department beyond what they deserved.

Dr Steele said yesterday he was pleased with the judgment, would not back away from his comments, wanted his job back and was confident about an inquiry. “I call a spade a spade. I'm no different from other academics in that regard,” he said outside the Sydney court.

Departmental head Mark Walker had told Dr Steele in January that he had caused “very real damage ... to the reputation and good name of your work colleagues and your employer”.

The union's NSW secretary Mike Donaldson conceded that if reinstated, Dr Steele could again face dismissal proceedings under the agreement.

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