

Date: Fri, 10 May 2002 23:59:42 +1000
Subject: Message from Dr Ted Steele
From: Ted Steele <tedsteele@optusnet.com.au>
To: All UoW/NTEU Petition <tedsteele@optusnet.com.au>
Lines: 785
Status:

Dear UoW Colleague:

I am writing to thank you for your very tangible public support in signing the on-line petition in 2001 run by the National Tertiary Education Union (NTEU). You were one of about 4000 academics and supporters in Australia and overseas who signed this petition.

For more information about my case, past and present, go to :
<http://www.nteu.org.au>
Then scroll to story about "Ted Steele Re-instated.." of April 5, click to open
Then scroll to "Related Links:" and then click on "Wollongong Dismissal News"

Your support, and the ongoing legal, political and industrial support of the NTEU, has enabled me to survive and win through a harrowing 13 months. As you know I have recently been re-instated at the University of Wollongong (April 4 2002) following the loss of the UoW's appeal of the Federal Court decision on March 28 2002. All back pay and other entitlements have been restored, I am back on the pay roll. However I am not back on campus and still work from my home office (my Molecular Biology/Immunology Laboratory was dismantled shortly after my illegal dismissal on Feb 26 2001, and this has not been restored, and may never be since it took me 10-15 years to build).

The support of the NTEU in my case has been crucial to my survival over the past 15-16 months. Indeed without their level of commitment I would not be sending this e-mail.

However our win in the Federal Court and my re-instatement to the UoW pay roll represents only a partial victory. The management of the UoW led by Vice-Chancellor Gerard Sutton seem to want to completely destroy me personally and professionally.

At about 3.30PM Wednesday May 8 2002 a 2-3 inch thick packet of letters and documents was delivered by express post to my home in Wollongong. The cover letter and a brief synopsis of the types of charges laid against me is pasted below.

I am still reeling from the blow as it has pre-empted some of my own moves to secure some justice and a fair financial settlement.

The whole packet reeks with bias and malice - this is almost certainly the set of charges that will go to the UoW "Kangaroo Court".

The union (NTEU) have managed to secure an extension of time in me responding to the outrageous and vexatious charges. Apparently if I refuse to take part in this "Kangaroo Court" it will proceed without any submission from me and this will lead of course to my inevitable sacking again by Vice-Chancellor Gerard Sutton.

VC Sutton's bloody mindedness really does defy all normal standards of comprehension.

So it looks like I will now have to return to 5- 6 hours a day devoted exclusively to survival and defending myself (as I have done since Jan - Feb 2001).

It is conceivable that in the future I may want to update all those interested in another e-mail as this predicament of mine evolves in the coming months. If you do not want to be updated please e-mail me and I will remove your name from the list.

However if you feel strongly enough to offer support in some way then you can contact the governing body ("The Council") of the university on-line at the following e-mail addresses:

UoW Council 2002

(<http://www.uow.edu.au/admin/secretariat/tables/misc/councilcte.html>) :

Chancellor Michael Codd <Jennee_Caskey@uow.edu.au>
Deputy Chancellor George Edgar <Jennee_Caskey@uow.edu.au>
Hon Peter Primrose MLC <peter.primrose@parliament.nsw.gov.au>
Hon Col Markham MLA <wollongong@parliament.nsw.gov.au>
Vice-Chancellor Gerrard Sutton <Gerard_Sutton@uow.edu.au>
Prof David Griffiths <david_griffiths@uow.edu.au>
Mr Kerry Kyriakoudes <kk@hansons-lawyers.com.au>
Ms Sue Browbank <Lynn_Woodley@uow.edu.au>
Mr Joe Scimone <eng-services@wollongong.nsw.gov.au>
Ms Nadia Verrucci <nadia_verrucci@uow.edu.au>
Assoc Prof Ray Markey <Ray_Markey@uow.edu.au>
Ms Lynn Wright <Lynne_Wright@uow.edu.au>
Mr Damien Cahill <dcc01@uow.edu.au>
Ms Sue Chapman <schapman@ncsi.com.au>
Cr Kerrie Christian <kchristian@wollongong.nsw.gov.au>
Mr John Steinke <Lynn_Woodley@uow.edu.au>
Ms Laura Wilson <laura.wilson@unsw.edu.au>
Dr Brian Hickman <Lynn_Woodley@uow.edu.au>

Council Secretariat:

Mr David Rome <David_Rome@uow.edu.au>
Ms Lynn Woodley <Lynn_Woodley@uow.edu.au>

Sue Browbank, John Steinke, Dr B Hickman, can be contacted via the Secretariat

Many thanks again for your support.

Ted Steele

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<http://www.erim.org/qas2001/steele.html>

Cover letter from Chris Grange (8.5.02) and a synopsis of the Misconduct Complaint to Vice-Chancellor Gerard Sutton (12.4.02)

UNIVERSITY OF WOLLONGONG (Letterhead)
Good Universities Guides
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Preparing Graduates for the e-World - Joint Winner 2000 - 2002
Outstanding R&D partnerships - Joint Winner 1999 - 2000

8 May 2002

Associate Professor E.J. Steele
168 Derribong Place
Cordeaux Heights
NSW 2526

Dear Professor Steele,

On 12 April 2002, Professor Margaret Sheil submitted a complaint in relation to your conduct during the period 2000 to February 2001. Professor Sheil was Dean of the faculty of Science during this period.

The complaint has been considered by the Vice-Chancellor. the Vice-Chancellor believes the allegations made in the complaint warrant further investigation. If the complaints made are found to be accurate, your actions, as detailed in the complaint, may amount to misconduct or serious misconduct pursuant to clause 59.5 of the Academic Staff Enterprise Agreement.

Accordingly, the University is commencing misconduct proceedings under clause 61 of the Academic Enterprise Agreement. the Vice-Chancellor has asked me to write to you pursuant to the provisions of clause 61.2. A copy of the clause, that outlines these procedures, is attached for your information. Under clause 61.2, there is a requirement to notify you in writing and in detail of the allegations and provide an opportunity for a written response from you within 10 working days i.e. by 23 May 2002.

To assist you in responding to the allegations, a full copy of Professor Sheil's complaint is attached. Please respond in detail to it. It would be advisable to provide any evidence in support of your response.

Yours sincerely

Chris Grange
Director
Personnel and Financial Services

Misconduct Charges - general outline of the seven sets of charges.

The main complaints/allegations listed in the misconduct proceedings concern:

- All the familiar public commentary and events Jan 9 2001 to my dismissal Feb 26 2001 ie. the original set of charges against me - that is , that I damaged the University, The Faculty of Science and, in particular, the Department of Biological Sciences and its former head Professor Robert Whelan.

A series of new charges are then listed , variously:

1. Lack of Duty of Care to Honours students viz. although the identity of the students was never disclosed by me or anyone else, people could nevertheless deduce who they were.
2. Lack of Duty of care to Other Students viz two of my former third year students in 2000, in my Molecular and Cellular Immunology Course (Biol 321), filed written complaints in Aug and Sept 2001 (6-7 months after my

dismissal) about what they saw as irregularities in the reporting of marks in the final Biol 321 exam.

3. The point 2 was linked to alleged spread sheet errors in the Biol 321 final marks sheet in 2000 which I apparently failed to notice at the time (these errors were uncovered two months after my illegal dismissal in April 2001).

4. My public comments on the e-mail (Feb 20 2001) system in relation to recruiting of full fee-paying students - these were linked in again to point 2 above, as the claim is made that although I did not name the students they could have been identified from my comments.

5. A general charge of misconduct about my use of the e-mail system for public discussion on academic matters dating back 10 years or so. However I should point out that many others at UoW have use the all_staff e-mail groups when participating in or initiating debate at UoW.

6. A specific charge about my public complaints that I continually failed to get appropriate research grant funding by internal mechanisms - and other public complaints about my failure to get promoted.

STEELE TRAP

By Patrick Lawnham

May 01, 2002, *The Australian* (Higher Education), pages 23 and 24,

http://www.theaustralian.news.com.au/common/story_page/0,5744,4233274%255E12333,00.html

I had very little input into the article published in The Australian newspaper on May 1 2002 (website above). The journalist, Patrick Lawnham, interviewed some of my former biology colleagues and he has trawled heavily from my public documents which formed the 'public debate' last year in Jan and Feb on my views about the assessment procedures for Honours research students in the Department of Biological Sciences at Wollongong University viz. the procedures used to assess my two students at the centre of the debate (1997, 2000).

Lawnham has put things out of context , in both chronology and the actual facts of what happened. He seems to have taken the Biology Departments' line which was fed to him. I agreed to have a photo taken, because about two weeks earlier I answered some questions he put to me (which were put to him, I think, by people from UoW). I summarise these type of questions and my detailed response below (it follows the long newspaper story).

You should be aware that I have sworn documentary evidence and legal advice from a nationally recognised damages specialist that the University did not follow its much publicised assessment procedures ("Australian best practice") in my case : the claims of my colleagues are therefore false.

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MY REBUTTAL OF CHARGES RECENTLY CIRCULATED TO JOURNALISTS

(it handles many of the issues raised in the recent Australian article by Patrick Lawnham, above).

The University of Wollongong, motivated almost certainly via the Vice Chancellor Gerard Sutton spread the following to the media and various journalists on or about 5-6 April 2002 commenting "they will be asking (me) to address various matters including the following in their planned internal inquiry " :

QUEST 1. "Who allegedly told you to upgrade the two student's marks? "

ANSWER: I never told the Sydney Morning Herald (SMH) journalist that "I was told to upgrade the two student's marks". Those are the journalist's words. In my e-mail to SMH of Jan 8 2001 I said that some of the worst cases I have seen have been the upgrading of Honours students marks against expert evaluation and opinion.

In the Honours assessment meetings I strongly objected to the high marks given by my colleagues - but I

was ignored; and because I was in a minority of one, I was put under pressure to go along with their decision.

QUEST 2. The VC & some UoW staff are saying that at a taped meeting, taped at (my) request with every colleague in my former Department, (I) denied that (I) told The Sydney Morning Herald that (I) had been told to upgrade students' marks, yet, in the following day's Sydney Morning Herald, (I) reaffirmed those claims.

ANSWER: At that 'Special Departmental Meeting' (17.1.01) which was taped I did indeed deny saying to the SMH that (I) had been told to upgrade student's marks. I said these were the journalist's words not mine. But I also told my colleagues that I felt that the pressure at those meetings to give poor students high marks should be conveyed to the public ie. I blew the whistle and exercised the right and responsibility of academic freedom.

I have very good legal advice from a damages specialist in tertiary academic matters like this which points out that this semantic difference in use of words is trivial when the full facts of what happened in those assessment meetings goes public eg. in a court of law.

QUEST 3. "The VC & some UoW staff say none of my colleagues in the Department of Biological Sciences support (my) claims, and some have cited their objections to (my) views on the internet.

ANSWER: My colleagues are not experts in the theses topics of the two students and went against the expert advice of Professor Blanden (the external examiner) and myself about the low standard of the theses. Nothing changes the fact that substandard Honours students got marks higher than what they deserved. My former colleagues are indulging in self justification.

QUEST 4. "The VC & some UoW staff then quote the New South Wales Ombudsman of Feb 1 last year), where they are alleging that the Ombudsman said:

4a). "The marks assessed by each examiner in the two (students) cases in question were not altered during or after the assessment process, and you (Dr Steele,) did not allege that any directions were given by other parties to any examiner to alter or upgrade any mark."

4b). "You (Dr Steele) did not allege that the standard assessment procedure was not followed in the two cases in question."

ANSWER: The short answer to all this is the NSW Ombudsman did not carry out an investigation. Without contacting Professor Blanden he could not know the truth of what happened. The Ombudsman is taking the words of SMH journalist, not mine.

4c) "In the case of the theses in question, it does not appear that you (Dr Steele) could not have been pressured or instructed to upgrade a mark since, from the information contained in your emails, it appears in fact that you were not a marker."

ANSWER: Correct. I was not a marker on the theses, but they were pressuring me to go along with their high marks. As a supervisor I had a responsibility to play a key role in the discretionary process of determining the final mark (all of this is acknowledged in the Biological Sciences department public articulation of their processes). So while I was not technically a marker I was legitimately involved in the discussions that led to bad students being given good marks. I strongly objected to this. Furthermore I am an expert in the thesis topics, as is Professor Blanden, and none of my colleagues are (these topics are on "The Genetics of Immunoglobulin V gene Diversity and Evolution").

4d) "... on the information you, (Dr Steele) have provided, it does appear to me, (Chris Wheeler, Deputy Ombudsman) that the procedure followed in the assessment of the two theses in question was not flawed."

"The VC & some UoW staff then state:

"Comments on the internet by two of your colleagues in the Department of Biological Sciences, Dr Wendy Russell and Dr Sharon Robinson, argue, amongst other things :

"It is not an issue about academic freedom, free debate or protection of a whistle-blower. Dr Steele did not

seek media attention to promote his views about these debates. He used the media to circulate damaging, untrue statements about his colleagues and their actions."

ANSWER : I reject completely the so called argument put in the Russell - Robinson 'internet' letter. The whole episode was about free academic debate about standards. I blew the whistle on my colleagues who were complicit in allowing an inappropriate process that delivered high marks to poor students. The process was, as I publicly stated repeatedly "shonky and deeply flawed". Indeed Professor Blanden stated in his thesis examiner's report that the 1997 Hons student produced 'illiterate jibberish'. Blanden stands by this assessment. This student got a 2nd Class Hons degree from an Australian university. The student should have failed, indeed in Blanden's view the student should never have been allowed to enter an Australian tertiary course.