

## **A SAD TALE OF OUR INTOLERANT AND UNTRUSTWORTHY UNIVERSITIES**

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Our universities are today highly intolerant institutions that do not allow free debate. I think that is nowadays uncontroversial. The problem with our universities is that they have become captured by the cultural-left, which has crushed debate and argument within these organisations. It is, for example, career suicide for a young marine scientist to question the orthodoxy about the supposedly poor condition of the Great Barrier Reef.

My personal experience with such intolerance began in 2017, when my work was showing that the scientific ‘consensus’ on the Great Barrier Reef had significant problems and was demonstrably wrong in certain respects. Given the enormous implications this consensus was having on the community and industry in Far North Queensland, I thought it was important for the science institutions that were contributing to the ‘consensus’ to face some hard questions about the trustworthiness of their work.

In particular, during an appearance on the Alan Jones program on Sky News, I presented some of these questions. In doing so, I naively thought the science institutions would mount a counter-argument, identifying shortcomings in my analysis whilst attempting to demonstrate the correctness of their systems and processes. In other words, I thought we might engage in a vigorous but respectful argument about a crucial issue to north-eastern Australia.

Instead, there were complaints about my comments. I was called up to the Faculty Dean's office and, in a very officious meeting, was handed paperwork for two counts of serious misconduct.

Although the Institute of Public Affairs organised some initial legal assistance for me, within a couple of weeks, James Cook University responded by doing a broadscale search of all my email communications, which they had no reason to do except to try and find dirt. They then presented me with a 128-page document with a further 23 serious misconduct charges. It is important to recognise that I was not a public servant but an academic with a broad right to academic freedom that included the ability to 'express opinions about operations of James Cook University and higher education' written into my enterprise agreement.

There is little more intimidating than realising all your correspondence is being read. But to my amazement and great relief, I had not said anything stupid or embarrassing.

I won't list all the charges made against me but it is amusing to look at some of the more ridiculous examples contained within the charges, which demonstrated the extent to which James Cook University had become a bully. For example, the University objected to me sending copies of the charges against me to my wife, accusing me of breaching their secrecy provision.

The University also objected to an email reply I sent to a student who was worried about what the University was doing to me. I said that the University was no worse than other universities and that they were generally 'Orwellian' because of their intolerance of dissent. The University did not like me saying 'Orwellian' and apparently could not see the irony that

by reading my emails to find this transgression they had just proved exactly what I wrote.

There was also a later charge based upon what became known as the 'no-satire directive'. I sent an email with a newspaper article about James Cook University's bad behaviour to an old friend and ex- PhD student. The subject line of my email was: 'for your amusement'. The University alleged that by saying 'for your amusement', I had parodied, vilified or satirised the disciplinary process, which was yet more serious misconduct by me.

Most of all, the University wanted to keep me silent and it was obvious why: if I couldn't communicate, I would be cut-off from help, wouldn't be able to organise resistance, would probably collapse psychologically, and give up.

As things progressed, James Cook University started to insist on vetting the public lectures that I was due to give at the Sydney Institute, and other events. The Faculty Dean wanted my PowerPoint presentation which he, and I suspect the University's lawyers, vetted for offending content. The censors required the removal of slides including one that asked the question of Great Barrier Reef science: '*Is there a robust debate without intimidation?*' I had been using this slide for a few years, and it did not refer to the University's intimidation and bullying, although it now had more poignancy.

It was obvious at this point that I had a choice: give up and shut up or carry on and fight in court. The problem with the latter choice, however, was that litigation is expensive, which meant we had to try and raise funds by way of crowd funding.

This then presented another difficulty. In order to ask for donations, one cannot say: '*I have 40 charges of serious misconduct against me, I can't say what they are about, but*

*please give me \$260,000*'. People need to know the details about what has happened, and they need to have comfort that you are being open and transparent. Understandably, they want to know if there is something genuinely disreputable against you such as a sexual misconduct charge, or that you are not plain incompetent and deserve to be fired. And yet, James Cook University was insisting that I keep everything secret.

My biggest fear was that the crowd funding would be a huge flop, and I would then be fired without the cash to fight the legal case. Fortunately, thanks to the support of many bloggers, we raised \$100,000 in 48 hours. In a later campaign we raised another \$160,000 in 72 hours and I am indebted to 2400 people from around the world. There is nothing to lift your spirits more than seeing all these people, who you do not know, supporting you. I could scarcely believe it.

The media interest in the case, partly due to the crowd funding success, was considerable and almost entirely on our side irrespective of political inclination. James Cook University had managed the impossible by getting *The Guardian* to agree with *Breitbart*, and *The Australian* to agree with the ABC. The consensus was that James Cook University had acted disgracefully.

To cut a long story short, James Cook University fired me, and I took the matter to Court. With the help of my legal team, led by Stuart Wood, AM, QC, the Court ruled that James Cook University had acted unlawfully in 28 different ways and had taken away my right to intellectual freedom — a right that was written very clearly into the relevant enterprise agreement.

In other words, I was allowed to ask some hard questions about the trustworthiness of science organisations. To the public, it was obvious that I should have this right. James Cook University has signalled its intention to appeal to the Full Court of the Federal Court.

Earlier this year, at the request of the Commonwealth Minister for Education Dan Tehan, the Honourable Robert French AC (former Chief Justice of the High Court of Australia) wrote a review on problems with academic freedom on campuses. One of his main points was that universities must not make up rules, usually called codes of conduct, that restrict academic freedom.

This is exactly what James Cook University did: it used its code of conduct to fire me. Any appeal by the University will mean that it ultimately has to argue that academic freedom is subservient to its code of conduct. Thus, James Cook University is now on a collision course with the federal government but is seemingly unconcerned.

Does this mean that my case will suddenly liberate academics to speak freely? Not at all. It shows that if you can raise ridiculous amounts of money on crowdfunding and can withstand a terrible time, you might get your job back or some sort of compensation. It shows that universities can act with remarkable intolerance and aggressiveness. It also shows without any doubt that the best course for an academic is to stay well within the bounds of what the university administration will tolerate. The truth is irrelevant, and quite possibly dangerous.

But even if the government implements Robert French's recommendations and force intellectual freedom on universities, it will not liberate the academics. There are many ways to get rid of a troublesome academics. The continuous restructuring and reviews create an opportunity to make an academic redundant every three years or so.

The sad truth is that for most academics, intellectual freedom is not a right to which they attach great importance. Most never do research that is controversial. And because most universities are filled with academics with what could be variously described as a left of centre, or progressive, or politically correct viewpoint that is shared by the administrators of universities, their 'controversial' views are tolerated. Academics and their administrators live in a bubble where they never talk to members of the wider community who don't share their views.

Somehow or other we must make university academics, and their administrators, more representative of community values. Only then will we engender debate and argument back into our universities. I do not think it is possible to reform our present universities. Maybe we must abandon universities entirely and reduce them to technical colleges. And perhaps the whole idea of state-funded intellectuals, which university academics ultimately become, must also be abandoned.

Although I am pessimistic about reforming universities, I am optimistic about improving science. In fact, we are already seeing improvements to the peer-review process in disciplines that carry no ideological baggage, such as biomedicine. However, for the Great Barrier Reef, where to deny that the reef is in trouble will get you labelled a 'denier', we have some way to go.

How do we improve the science? A large proportion of science has no application, meaning that whether it is wrong or not may not be a big problem. Science that applies to industry will be checked by industry. This leaves ‘policy science’, which is the science used to formulate government policy and regulation. Because the government uses this science, the government need to check it.

To this end I have proposed an Office of Science Quality assurance that would do checks on the science that would be far more rigorous and antagonistic than peer review. The Liberal National Party Queensland conference recently voted in favour of such a body.

One problem with this idea is that members of the Office may themselves be captured by the science institutions that they are commissioned to check. In crafting a solution, science should take lessons from the legal system and our systems of financial auditing.

In a court hearing, there is a guaranteed argument between the opposing sides. Evidence will be challenged. Collusion between the defence and prosecution is not possible. This guarantee of a vigorous argument does not occur in science and peer review comes nowhere near achieving it.

Similarly, auditors are independent checkers whose role is to keep the accountants honest. Without auditors, can you imagine how much fraud there would be where nothing was ever checked? In my view, our science system is like an un-audited financial system, so we must not be surprised that problems have occurred. It was inevitable.

At the bottom of this problem is the fact that little argument is tolerated in both our universities and our science institutions. It should be possible to inject into the scientific systems a guaranteed mechanism for debate and review similar to those found in the legal system or auditing. The problem of the universities is far more intractable and can only ultimately be solved if university academics become more representative of the community

