

Cónaidhm Éireannach na Múinteoirí Ollscoile

Irish Federation of University Teachers

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**‘LABOUR COURT RECOMMENDATION REPRESENTS
HISTORIC VICTORY FOR ACADEMIC FREEDOM’**

The Irish Federation of University Teachers (IFUT) has warmly welcomed a Recommendation from the Labour Court that disciplinary warnings against a University Academic who had been punished for not following orders regarding his Research Plans should be quashed and expunged from his employment record.

The Labour Court also recommended (LCR 19466) that the university – Trinity College Dublin (TCD) – should “proceed as swiftly as possible to reach an agreement” with IFUT on a new, agreed approach to Academic Research.

The case, which has been in progress since the Autumn of 2007, was better known in academic circles internationally than it was in Ireland. This was because the issue in dispute was recognised by international unions representing university staff as being hugely significant for the right of such staff to keep freedom of control over their own research.

It is also believed that the case is the first time ever anywhere in the world that the issue of Academic Freedom ended up in an industrial relations forum.

Mike Jennings, IFUT’s General Secretary, who represented the Lecturer concerned, said that he was absolutely delighted at the outcome of the case. “To be quite honest, I am also not a little relieved because if we had lost it could have had major adverse

implications for the whole question of Academic Freedom and indeed for academics not to be forced into surrendering control of their research” he said.

Briefly, the facts of the case are as follows:

- In September 2007, a Professor in TCD issued new procedures to all academic staff in his area regarding reporting to him on their research, where and how their research should be published, the seminars they would have to give to explain it, etc.
- This was a fundamentally significant directive, because, although all university academics are obliged by their contracts to engage in research (a position which IFUT strongly supports), there has never been any ‘Line Management’ type of control which would encroach on the freedom of academics with regard to their choice of research and where they publish their findings.
- One academic reminded the Professor that TCD had already given a solemn commitment to IFUT not to allow individual Professors bring in new rules which change the conditions under which university academics work. They had agreed that such change could only be negotiated between the University as a whole and IFUT.
- He therefore asked the Professor to defer this proposal until its implications were dealt with by TCD and IFUT. This request was denied and the Lecturer in question was threatened with disciplinary action if he did not comply.
- The University even refused several urgent written requests by IFUT to meet to discuss the issue and two stages of discipline were recorded against the Lecturer.
- Even when IFUT drew up a document which would constitute a protocol that would allow the University the assurances about the conduct of research which they said they needed, but which at the same time would not compromise the principle of Academic Freedom, the University still insisted in dealing with the issue as one of a disciplinary sanction against one individual employee.

- This is despite the fact that the principle of Academic Freedom is enshrined in Irish legislation (The Universities Act, 1997) and is officially, at any rate, part of TCD's official policy.
- At this stage IFUT asked the Labour Court to intervene and eventually, in its final Recommendation, the Court said that discipline should be quashed and it also upheld the request for the matter to be resolved by negotiating a new understanding around the issue of research and how it should be monitored.

Speaking after the Labour Court issued its Recommendation, Mike Jennings, General Secretary of IFUT, said, "this is a tremendously important development which will be welcomed by University Academics literally all over the world.

"While we were taking this case over the past year and more, we had received messages of support from academic unions internationally, but we did not publicise these as we always hoped that TCD, being such a reputable well respected university, would not continue to try to punish one of their own staff for defending a principle. Regrettably, we were wrong in that assessment.

"What was happening in this case was that TCD took on the role and mantle of those who want to bring a new managerial ethos to universities. That is deplorable."

Where to from here?

IFUT will seek to reach final agreement on a document which has already been substantially endorsed by TCD, which will be an historic protocol which encourages research and accountability but does not limit research freedom.

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