

11 February 2019

University of Sydney Management Committee affirms decision to expel Dr Tim Anderson, because ‘offensive’ to Israel

A Review Committee has affirmed two-to-one Provost Stephen Garton’s decision to expel me from my position as Senior Lecturer at the University of Sydney.

The main reason cited was allegedly ‘offensive’ posts related to Israel, and my refusal to follow orders to censor them. The Committee avoided important issues of principle over intellectual freedom. They ignored an attempt by managers to link criticism of Israel with anti-semitism.

I said that the University already has principles of intellectual freedom, and these prevent intervention unless there is “harassment, vilification or intimidation”, or serious abuse. The Committee, however, affirmed Garton’s view that ‘inappropriate’ or ‘offensive’ is enough.

This censorial abuse will send a cold chill through the University of Sydney. Other academics will worry they might also be expelled if a manager considers something they say is ‘inappropriate or offensive’. Who would know?

Stephen Garton, at the committee hearing, told me that he thought my ‘Gaza Casualties’ graphic was not ‘even handed’. I asked ‘even handed to apartheid Israel?’ He replied ‘you can cite studies that it is Apartheid Israel and I can cite just as many to show it is not’.

Despite this, the Review Committee majority claimed Stephen Garton had ‘expressed no political views’. I say he expressed reactionary politics dressed up as ‘ethics’. I also say he has no mandate to protect Israel from criticism, on behalf of the University of Sydney.

The majority on the Committee (Ms Janice McLeay and Professor Philippa Pattison) criticised me for posting “the altered image of the Israeli flag” in the background of a graphic about Casualties in Gaza, as that image “does not serve an articulated academic purpose”. Yet they did not ask how my graphic was used, ignoring my research article, [The Future of Palestine](#).

A minority report by Dr Neil MacLean found there was no serious misconduct. He criticised Stephen Garton’s reliance on vague criteria such as ‘inappropriate’ or ‘offensive’: “Dr Anderson has consistently argued that such ‘minimalist’ criteria are inadequate. I agree with his view.”

I am now consulting with my union, the NTEU, over a legal appeal. On to the next round.

Key points from the Review Committee report are attached. I have posted all relevant documents [here, at the Centre for Counter Hegemonic Studies](#).

Tim Anderson
Sydney

Key sections from the report of Review Committee (8 Feb 2019)

The majority (chair Ms Janice McLeay and Professor Philippa Pattison) affirmed Provost Garton's charge that some of my social media posts - and my refusal to follow orders to take them down - constituted "serious misconduct" and that "termination of Dr Anderson's employment is reasonable in the circumstances" (p.2). In his minority report Dr Neil MacLean said there was no "serious misconduct" and that termination of my employment was "not reasonable in the circumstances" (p.2).

McLeay & Pattison: "Dr Anderson refused to remove a photo of friends at lunch [and a] graphic of concern [about Gaza casualties] which showed an altered Israeli flag. Dr Anderson claimed ... Prof Garton's actions 'show a hypersensitivity to Israel' ... [but] the swastika is clearly visible ... [and] in our view it is reasonable to find the image offensive" (p.4).

McLeay & Pattison: "We note Dr Anderson's 20 years of employment with the University and his long record of sustained research. The University made no criticism of Dr Anderson's teaching capacity or expertise. However the University has the right to set standards ... [and] Dr Anderson does not have the right to ignore [management] decisions" (p.7).

McLeay & Pattison: "Mr Anderson said that criticism of the [Gaza casualties graphic] was taken out of context and that 'an honest person looking at this post will see a discussion of casualty claims (and how to use evidence) during Israel's 2014 assault on Gaza' ... [but] we are of the view that the use of the altered image of the Israeli flag is likely to be offensive to many people and does not serve an articulated academic purpose" (p.8)

McLeay & Pattison: "We believe the use of a swastika in the context of the teaching material about the 2014 attack is offensive, and we believe there is no argued academic case for its use in this context. We therefore reject Dr Anderson's appeal to intellectual freedom" (p.8).

McLeay & Pattison: "Prof Garton expressed no political views either before the Committee or in his written statement. His reasons for coming to a decision to terminate Dr Anderson's employment with the University was set out in objective terms ... [yet] Dr Anderson referred to Prof Garton's 'conceit', accusing him of 'abusing my rights and triggering a scandal over lack of freedom of speech at the University' ... We agree with the assessment that a constructive employment relationship is unlikely to be able to be restored. The refusal to follow a reasonable instruction is a serious breach of the Code of Conduct and satisfies the definition of serious misconduct" (p.8-9).

McLean (minority): "the relevant provision of the [Enterprise Agreement] clause on Intellectual Freedom is 315(b)(iv), the right to 'express unpopular or controversial views, provided that in doing so staff must not engage in harassment, vilification or intimidation.' No attempt has been made to argue that Dr Anderson engaged in 'harassment, vilification or intimidation'." (p.10)

McLean (minority): "Dr Anderson proposes his own criteria for the exercise of academic freedom: factual, in the public interest, no abuse. These seem to me to be consistent with the Code of Conduct requirement of staff to 'exercise their best professional and ethical judgement'. It is also consistent with the requirements of professional judgement that staff formulate their own concrete criteria for the exercise of academic freedom" (p.10).

McLean (minority): "No clear argument has been made that this post [of a photo of "the lunch in Beijing"] it itself was misconduct ... What is clear is that the systematic refusal by Dr Anderson

of the authority of the Dean and the Provost ... [has] led to further findings of misconduct. In my view the lack of compelling case that the posts themselves justify a finding of misconduct compromises any finding of serious misconduct that depends on these allegations as part of a series” (p.11).

McLean (minority): “No arguments had been put to Dr Anderson in support of findings of misconduct in relation to the actual context of his social media posts, other than that they might be found to be offensive and that they were inappropriate. Dr Anderson has consistently argued that such ‘minimalist’ criteria are inadequate. I agree with his view that these criteria cannot on their own be used as a basis for findings of misconduct in the to and fro of public contestation on controversial issues” (p.12).

McLean (minority): “In my view Dr Anderson has made the case that doing so has led the Dean, the Provost and the Delegate [=the Provost] astray both in judgement and in their written cases in parts of this process. Dr Anderson has also argued (21 January 2019) that his response to the Provost was a ‘disagreement in principle’ and that the University has no ‘mechanism to assist with this’”(p.12-13).

TA