

Chronology of Events:

Dismissal of RMIT Spanish and International Studies academic Dr Robert Austin

April 2005: Manager of International Studies advises Dr Austin that the Latin American Studies course he was developing for 2006 should be designed to “not offend business students”. This contradicts intellectual freedom provisions of the RMIT Code of Ethics, and marginalises the academic perspectives for which Dr Austin was employed.

May 2005: Anonymous complaint allegedly on behalf of a small number of students is reproduced in Staff-Student Consultative Committee minutes (forum for informal staff/student discussions and issue resolution), and left at a photocopier during peak time use. Two probation meetings are held, one of which mentions the anonymous complaint. Dr Austin raises ethics issues about anonymous complaints and lack of confidentiality around unproven and unevidenced claims. Acting Head of School (HOS) apologises for minutes left on photocopier. He also describes Dr Austin’s academic work as “excellent”.

July 2005: To counter insidious management attacks on Austin’s staff relations, Dr Austin details rapid and major improvements in academic standard of Spanish program in a letter, which management ignores. Throughout semester 2, management demonises Austin’s alleged “lack of collegiality” despite strong contrary evidence. This marginalises core functions of university teaching and research, including Dr Austin’s development of major international exchange programs and new courses, as well as material advances in staff quality and performance.

September 2005: New HOS abruptly terminates probation meeting after Dr Austin and NTEU delegate object to illegal tape recording of the meeting. At re-scheduled meeting, management tables Andrew Bolt article—criticising Dr Austin for rescheduling classes so students could attend a rally against Howard’s Voluntary Student Unionism legislation—and management-authorized Latin American Studies poster as evidence of “lack of collegiality”. HOS alleges anonymous complaints against Dr Austin, but fails to provide evidence when requested by Dr Austin and union delegate. In the written probation report of this meeting, HOS falsely claims that a work plan was discussed and that the meeting “discussed any problems or concerns and developed strategies to address them”. School executive meeting in October subsequently reveals that almost no executive member has a work plan.

Management assessment of Dr Austin’s teaching and research remain highly favourable; HOS confirms that Spanish program is now “considerably more attractive to students”. The final probation review is scheduled for November.

September 30 2005: HOS and Pro Vice Chancellor (PVC) Cumming gatecrash an off-campus meeting of Spanish staff and union delegates in Druids Café at 8.30am. PVC demands Dr Austin return immediately to campus to meet with management, which Dr Austin refuses. PVC falsely claims to have NTEU branch president endorsement for his actions, and for demanding an immediate unscheduled meeting.

October 4 2005: Management emails “lawful directive” to all casual staff under Dr Austin’s supervision to attend meetings to discuss his “collegiality”. Dr Austin is excluded from these meetings. HOS enters Dr Austin’s office unannounced and disrupts a meeting with casual staff to issue an order requiring those staff to attend an immediate meeting with him.

October 12 2005: Final probation meeting called prematurely in management-manufactured atmosphere of misinformation, innuendo and paranoia. HOS again alleges anonymous complaints, this time from a limited sector of management and a few casual staff. Dr Austin

and NTEU officer request evidence, but again management refuses to provide any. Dr Austin also categorically rejects claims. HOS recommends dismissal.

October 21 2005: Vice Chancellor (VC) confirms Dr Austin's dismissal, effective 24 April 2006; and twice offers immediate severance with six months' pay. One week later, management breaches Enterprise Bargaining Agreement by illegally removing Dr Austin from all program responsibilities. Throughout, management have denied natural justice, an explicit requirement of probation procedure.

November 2005: Defend Our Universities (DOU) committee formed to campaign for Dr Austin's reinstatement in support of academic freedom, natural justice, defence of student unionism, and opposition to Bolt and other shock-jocks setting education agendas. Students, workers and intellectuals from Europe, The Americas and Australasia denounce RMIT management. DOU web page <http://defendrobert.blogspot.com/> established to collate protests, update information, publish articles and stimulate debate.

November 10 2005: In-camera Probation Appeals hearing rejects Dr Austin's offer to give evidence. Management provides Dr Austin's "complete and official personnel file", which is devoid of all material relating to the case. Thus, in the preparation of his appeal, management denies Dr Austin access to documentation it claims to hold, which allegedly supports its case. NTEU representative on panel is not briefed. Panel dismisses appeal. Management clears university buildings of public posters on the case. Dr Austin's office is found open several times, faxes do not arrive, computer is tampered with and files are lost.

November 30 2005: Around forty-five people attend a public meeting at RMIT, unanimously condemn management tactics and demand Dr Austin's re-instatement. NTEU school delegate describes the case as the worst in her fifteen years at RMIT. Following week, fifty students picket RMIT Chancellery.

December 9 2005: After NTEU branch president advises VC that the dispute "is based on the University's failure to properly apply the principles of natural justice as it applies to academic probation policy," VC confirms that "alleged complaints from staff and students" played no part in the dismissal. Internal issues-resolution procedure fails; management continues to refuse to provide any evidence for dismissal. NTEU lodges dispute with Industrial Relations Commission (AIRC) ten days later.

December 13 2005: NTEU Victorian Division Secretary Matt McGowan, on behalf of all Victorian NTEU branches, challenges RMIT to provide evidence to support its allegations, or reverse the dismissal. No evidence is provided. Throughout, management has failed to properly apply its Probation Policy and Probation Procedures.

February 13 2006: NTEU industrial officer and Dr Austin make revisions to his AIRC statement, and NTEU lodges case. AIRC gives management six weeks (until 3 March 2006) to provide its evidence.

March 2 2006: One day after advising Dr Austin and one day before management was to finally table its submission, NTEU withdraws case from AIRC. NTEU claims that legal opinion sourced after NTEU case is lodged points to a fatal flaw. Two AIRC-experienced Melbourne barristers subsequently contest this claim and question NTEU preparation.

March 9 2006: RMIT NTEU branch meeting called by 120 members through a petition, after Branch Committee ratifies its ongoing opposition to any such meeting. Resolutions from staff can not be debated due to lack of quorum. Suspending normal practice, branch leadership fails to call Bundoora campus meeting despite school delegate's request, and does not provide transport to City campus meeting from Bundoora.

March 20 2006: With DOU committee support, Dr Austin re-lodges dispute, hands over to CMFEU-recommended barrister. DOU committee sets up fighting fund supported by Union Solidarity. NTEU is requested to reinstate formal support for the case by school delegates and DOU committee. NTEU officers promise logistical support but industrial officer later tells Dr Austin and school delegates that he has "shredded" part of the case file, finally surrendered to the barrister under pressure from same trio a few working hours before submissions are due in the AIRC (early April). NTEU agreement to review case with an independent lawyer, in Dr Austin's presence, never honoured.

March 31: At AIRC conference RMIT management, despite its consistent response to international and local protests against dismissal that it would await AIRC arbitration, sought suppression of matter by opposing jurisdiction on the S170LW (EBA) application. It had not opposed jurisdiction in January, but disingenuously chose to in late March. Commissioner Richards—former chief-of-staff to Howard's employment minister Peter Reith (*Workplace Express*, 3/5/06)—indicates that he considers it unfair on management that the matter be heard before 24 April 2006, date upon which any protective action under the EBA expires.

April 15 2006: Successful solidarity fundraiser-fiesta backed by Union Solidarity and Defend Our Universities Committee attracts around fifty activists and supporters. SKA-TV later televises excerpts and interviews.

April 18 2006: Commissioner Richards rules in Dr Austin's favour on jurisdiction, but then rejects his application to grant an injunction restraining RMIT from giving effect to the dismissal until the matter is heard. Dr Austin's barrister then proposes to management that it place him on leave-without-pay until the matter can be adjudicated under the EBA, no later than end June. Management refuses. Barrister then re-submits application for an injunction, accounting for RMIT's objections to it. Again Commissioner Richards refuses the injunction.

April 24 2006: Dismissal effected. Management prematurely closes Dr Austin's computer access, barring him from on-line records of work and the dispute, including hundreds of support messages. Email records remain unavailable for four months.

July 13 2006: Unfair Dismissal case opens in the AIRC, Melbourne, with compulsory conciliation conference before Commissioner Cribb. Consistent with its practice throughout of publicly supporting a resolution through formal industrial relations and then opposing any hearing of the dispute in court, management notifies its intention to oppose jurisdiction and have the matter struck out. However, the conciliation conference takes precedence; and the parties reach an in-principle confidential settlement.

Late October 2006: The parties sign the settlement. In the process, RMIT's attempt to insert a clause suppressing any public mention of the proceedings is rejected. Legally, the matter is at an end.

Defend Our Universities Committee

October 2006