

MAINTAINING UNIVERSITIES' *RAISON D'ETRE*: MEETING THE CHALLENGE

Inaugural Chancellor's Oration by Professor the Hon Gareth Evans AC QC FASSA FAIA to University Chancellors' Council (UCC) 11th National Conference on University Governance, *The Challenge of Change for Australian Universities*, 4 October 2018

University chancellors in Australia are a rather unique species. Unlike our counterparts in the UK where the office evolved, and in most of those Commonwealth countries who have inherited and retained it, we have a serious role to play in university governance, chairing as we do our universities' governing councils or senates – not just dressing up in gorgeous robes to utter sonorous banalities on grand occasions. In the UK by contrast, the chancellor – when not a television personality usually a royal, or some other long-past-it old buffer – rarely does much else.

At Oxford, for example, Roy Jenkins characterised his role as 'impotence assuaged by magnificence', while Harold Macmillan famously described the justification for his existence as being simply that 'if you didn't have a chancellor you couldn't have a vice-chancellor'. True, the current Oxford Chancellor, my friend Chris Patten, is very far from being past it, and does have a public policy voice which he regularly uses to good effect, an influential role in alumni and benefactor relations, and a behind the scenes advisory voice, including chairing the committee to nominate a new vice-chancellor. But his formal role is still essentially to preside over ceremonies, and it is the vice-chancellor, not the chancellor, who actually chairs the university's governing body.

There are no doubt many senior university administrators who might wish the British system prevailed here, and some indeed who, in my experience, treat their chancellors and governing bodies as though it does: taking the view that we might have a place on their campuses, but it just hasn't been dug yet.

Whether we deserve to be regarded that way depends ultimately, I think, on how we exercise the very significant responsibilities our statutes give us. If we don't approach the position with a reasonable degree of modesty, and above all if we don't completely understand and respect the distinction between general strategic direction and oversight, which is our role, and that of detailed day-to-day administrative and academic management, which is the responsibility of the Vice-Chancellor and senior staff, we will deserve the mushroom treatment.

Governance Principles. Developing a relationship of easy mutual respect between the key players really is at the heart of good university governance/management relations. Partly it is a matter of clearly defined boundary lines making for good neighbours. But each side of the divide also needs to strive for a symbiotic, synergistic relationship in which there are big gains to be made from working constructively together, recognising that each needs the other. The best universities, like the best football clubs, are those where all this is instinctively understood; where respective leadership roles are acknowledged but there is a great deal of communication and consultation on issues which straddle the border line; and where achieving genuine

consensus on key issues, rather than protecting decision-making turf, is seen as the normal order of things.

On the question of boundary lines, it is crucial to getting right the Council/Executive and Chancellor/Vice-Chancellor relationships that everyone has a very clear understanding of each other's proper roles. In much of the formal legislation around the country, these roles are not spelt out nearly as clearly as they could and should be. But I think with the newly revised *Voluntary Code of Best Practice for the Governance of Australian Universities*, recently endorsed by both the University Chancellors' Council and Universities Australia, we now have as good an official guide as we can get, spelling out as it does three basic roles for university councils – strategic oversight; ensuring effective overall management; and ensuring responsible financial and risk management – with everything else being properly a matter for Vice-Chancellor, executive and staff.

Strategic oversight encompasses approving the mission and strategic direction of the university; ensuring that values, visions and goals are turned into effective management systems; and monitoring implementation of the strategic plan (which overall plan, if not the detailed unit sub-plans, should itself be a joint product of council and management). *Ensuring effective overall management* encompasses appointing the vice-chancellor and monitoring his or her performance; overseeing and reviewing overall management performance; and monitoring the academic activities and performance of the university. *Ensuring responsible financial and risk management* encompasses approving the annual budget; approving and monitoring systems of control and accountability; overseeing and monitoring the assessment and management of risk; and ensuring compliance with legal and government policy requirements. 'Monitoring' in each case means just that, not micro-management. Putting all this into effective practical operation can be tricky, but conceptually the lines are straightforward.

Governance Challenges. In exercising our responsibilities as chancellors and council members – in particular approving the university's mission and strategic direction, monitoring its effective implementation, and overseeing the management of reputational and other risk – we have to confront the reality that the whole Australian university system, and each of our institutions within it, currently face multiple policy challenges.

The most obvious is financial sustainability, in an environment where there is insufficient support for research, and over-dependence on student fees especially from international students, with Australia sitting nearly at the bottom of the OECD rankings in overall public investment in tertiary institutions. Another challenge remains meeting the needs of the socially and economically disadvantaged: for all the progress we have made with income-contingent loans and other policy changes enabling a huge increase in overall numbers, lower-income students remain well under 20 per cent of the whole, and we still have a good way to go in getting Indigenous students into university in numbers equivalent to their share of the population.

But the particular challenges for us on which I want to focus in this address go to something even more basic: the need to maintain our societal relevance for the long haul ahead, and the need in that context to deliver not just what are seen to be practically useful outcomes in terms of graduate employability, research impact and the like, but to preserve the very idea of a university as adding something uniquely valuable to our human experience.

As to maintaining our relevance over the long haul ahead as educational institutions, there is a real prospect – particularly if university teaching methods do not adapt to the new information environment – of very bright students bypassing university altogether because they believe they can get all the instruction they need from online platforms, and learning by doing in entrepreneurial settings.

And as to maintaining our relevance and acceptance as research institutions, there is a growing tendency to demand – not just from industry-funded but from government-funded research – evidence of likely *impact*, be it on innovation, productivity, income generation, better health and other social outcomes, better security outcomes at home and abroad, better governance, or better policymaking generally. Achieving practical outcomes in itself, of course, is no bad thing: one of the things about which I am personally most passionate at ANU, and would like to see much expanded, is public-policy-focused research, where we can already claim to have a national leadership role in the Crawford School and elsewhere around our campus.

But so much of the research that we and other universities have always done is blue sky research; research for research's sake; and research where even the potential for measurable real-world practical impact may be non-existent or, at best far distant, which may well be largely the case for humanities disciplines like history, philosophy, literature, classics, linguistics, art, music. And these are the areas finding external financial support ever more difficult to come by.

Universities' Value-Added. Part of the necessary response here must be to consolidate, and if necessary re-create, a sense of what is the distinctive value-added of a university. And that, in turn, must be to generate not just skills and knowledge that are immediately useful for today's world, but the capacity for individuals to grow and adjust, and for society to create and apply new knowledge, in ways that will be relevant for the world of the *future*.

Those of us in leadership positions in the university sector have a particular responsibility to get out that message. If that sense of distinctive value-added in preparing for the future is to be consolidated or re-created in the minds of potential students, and of industry, of government, of philanthropists, of the community generally, it has to be understood and articulated by all of us much more insistently, and persistently, than most of us have been in the habit of doing.

So far as education is concerned, the story must be that our value-added is not, and never has been purely vocational – even in the traditional professional disciplines like medicine, law and engineering. As Chris Patten has put it: 'Universities of every sort, if in different ways, should introduce students to the joy and discipline of scholarship, to the challenge and excitement of

personal intellectual achievement, to the social and historical context of knowledge and learning. Universities are not simply what you need to go through – a sociable rite of passage – before joining a graduate training program’.

In a world where the content and context of employment-relevant knowledge is changing all the time, and lifelong learning is going to have to become the norm for anyone who hopes to stay employed, the role of universities must be not to teach students what to think, but *how* to think. That has been said often enough before, but cannot be said too often. Quoting Lord Patten again, our role is to teach students ‘to know how to frame the right questions...to search for the knowledge that will help them produce answers, to embrace complexity, to argue rationally, to question and to dare to have their own opinions.’¹

In this context, we should recognise, and argue more often publicly, that one of the most value-adding things that universities can distinctively do – and which the best universities the world over certainly do – is ensure that there is real synergy and mutual reinforcement between teaching and research, with students learning from researchers who are drawing on, and hopefully communicating some of the passion they feel for, their research experience.

And when it comes to research, our position must be not only to tell all the stories that can be told about how scientific and mathematical research that was driven by pure curiosity, and not perceived at the time as having any practical utility, turned out to be world changing – familiar stories like Einstein’s theory of relativity, Fleming’s discovery of penicillin, Schrodinger’s equation for quantum waves and many, many more.

It must also be to recognise the worth of research which, as is undoubtedly the case with so much in the humanities, is simply intellectually stimulating, mind stretching, involving or encouraging creative and critical thinking, encouraging or satisfying curiosity about the past or the natural world we live in, making us better understand and appreciate human character and moral sense, helping us understand why governments succeed or fail, or simply helping us better understand, and love for its own sake, great art and architecture and music and literature.

Defending Autonomy. If universities are to play the role and make the distinctive contribution I have been describing, it is absolutely critical that, when it comes to determining what they teach and how they teach, and what to research and how to research, they retain the absolute autonomy of decision-making which has been at the very heart of the idea of a university, certainly in the Western tradition, for as long as universities have existed.

There are bound to be internal differences of opinion as to how that autonomy is exercised – and there will always be external economic pressures to take into account and navigate in making resource allocation decisions, given that university income can only come from taxpayers, students, philanthropy, or contracted research. But no university deserving of the name can yield its independence to the agendas of others, whether those others be governments

¹ Quotes from address to Parliamentary Committee, *The Guardian*, 6 February 2004; Newman Lecture, ‘The Idea of a University in the 21st Century, Pembroke College, Oxford, 24 May 2018

or philanthropic foundations or anyone else, when it comes to staffing and curriculum and research priority choices.

This was exactly the issue with which the ANU had to wrestle earlier this year in determining how we responded to the very large grant potentially on offer – maybe as much as \$60 million over eight years – from the Ramsay Foundation to establish a degree course in Western Civilisation. Because at least two other Go8 universities are now reportedly going through the same experience, I think it may be worth spending a little time recalling the dilemmas we faced, and just why our Vice-Chancellor and senior executive, and I and the University Council, made in May this year the collective – and, as you will all know, not uncontroversial – decision we did to break off negotiations when they were at a fairly advanced stage.²

The nub of the critique of ANU, repeated remorselessly, for weeks on end, by an army of columnist and editorial writers in the Murdoch press, is that we were intimidated into submission by a coterie of leftist staff and students who were ideologically hostile to the West and all its works and determined to prevent its intellectual and cultural traditions being taught in any kind of respectful way. Of course there are some in our academic community who do think that way, though I don't think any of them have been as unremitting in their hostility as some Sydney University staff, in particular, have been in the press in recent weeks. But it was absolutely **not** that kind of thinking that had anything to do with our decision

There was and remains strong support across the ANU – with our great humanities traditions – for new teaching and research capacity in this area. We remain quite attracted by the wide-ranging “great books” courses taught in some prominent American universities and colleges. And we remain wholly willing to craft a similar degree course here designed to convey understanding and respect for the great Western traditions – albeit in our own way: analytically rigorous, not triumphalist, and open to comparisons being drawn, as appropriate, with other major intellectual and cultural traditions.

What we were, and remain, adamantly unwilling to do is compromise our academic autonomy, integrity and freedom in any way in pursuit of financial support. We withdrew from the Ramsay negotiations not because of any cold feet about the substance of the program, but because of our concerns about the extraordinarily prescriptive, micro-managing, controlling approach by the Ramsay Centre to its governance, particularly in relation to curriculum and staffing decisions. The ANU wanted the gift, wanted an agreement to be reached, and multiple efforts were made by our team to try to find common ground. But in the end we had so many alarm bells ringing that it was just impossible to proceed.

² For fuller explanations of ANU's position, from which this summary is drawn, see Gareth Evans and Brian Schmidt, 'Why ANU knocked back the Ramsay Centre course', *The Australian*, 25 June 2018, and 'ANU stood up for academic freedom in rejecting Western Civilisation degree', *The Conversation*, 30 June 2018

It may be helpful for other universities who may find themselves in our position for me to list the more significant of those alarm bells, as we heard them. Hopefully there will, by now, have been some serious rethinking on the Ramsay side, and less such alarms will now be sounding. But to the extent any still are, I would respectfully suggest to my colleagues elsewhere that they may need to look as cautiously as we did at the teeth of this particular gift horse.

The first warning, to which I think we should, in retrospect, have responded more strongly right from the outset, was the extraordinarily detailed character, unprecedented in our experience, of the draft memorandum of understanding (MOU) the Ramsay side wanted to conclude: of some 30 pages with another 40 pages of detailed annexures. To the extent that this document dealt with the management of a quite complex scholarship program, a significant degree of prescriptive detail was perfectly reasonable and acceptable. But to the extent it also addressed staffing and curriculum issues, the degree of micromanagement here seemed to have much less to do with necessary operational and financial clarity, and much more to do with the Ramsay Centre's inherent lack of trust in ANU's willingness to implement the program in accordance with the objectives to which we would sign up.

A second warning bell was the flat refusal of the Ramsay side to meet our request, made after some internal consultation with our Academic Board, that the title of the proposed degree be changed from "Bachelor of Western Civilisation" to "Bachelor of Western Civilisation Studies". The idea was to make it clear that the new degree would take its place beside – and reflect the objective, analytical approach of – our existing degree courses like "Asia-Pacific Studies", "Latin American Studies", "European Studies" and "Classical Studies". But that was unacceptable.

A third warning sign – which to me, when I became aware of it, was close to a knockout blow in its own right – was the Ramsay Centre's very explicit unwillingness to commit to the principle of academic freedom. A draft sentence reading "The parties to this MOU acknowledge each other's objectives and their shared commitment to the principles of academic freedom" came back to us with the words "their shared commitment" struck out and "ANU's commitment" substituted! For us at ANU, academic freedom does not mean freedom to underperform, or teach without regard to the disciplines or objectives of a particular syllabus, but it does mean appointment or retention of staff on the basis of their demonstrated intellectual merit, not political or ideological preference. We became less and less confident that the Ramsay side understood that.

A fourth concern, relevant in this context, was the proposal from the Ramsay CEO, which emerged late in the discussions, that Ramsay representatives be able to sit in on classes to monitor implementation of the program. Our negotiating team did not accept that at any stage of the discussions, although they had agreed to a formal annual review of the program (in which context they did use the expression "health checks", familiar to universities in the context of TEQSA reviews).

What dramatically compounded all these kinds of concerns was the appearance online in *Quadrant* in early April of a piece by Ramsay Centre Board member, and prime initiator of the whole Western Civilisation project, Tony Abbott, which not only made clear that his approach to the topic was triumphalist rather than analytic (wanting a program that was “not merely *about* Western civilisation but *in favour* of it”) – a shoal that might have been navigable – but asserted that, for the ANU, “A management committee including the Ramsay CEO and also its academic director will make staffing and curriculum decisions”.

In this context, the provision in the draft MOU for a “partnership management committee”, which had previously seemed to the negotiating team a fairly innocuous mechanism for coordinating the financial and other aspects of the gift, took on a much more troubling aspect. We had no problem with the Ramsay Centre having a voice in curriculum design or in staff appointments. But only a voice, not a controlling influence. With two persons from each side on a four-person committee, the Ramsay side would have had an effective veto over all operational decisions.

A further concern on the ANU side, which became much more acute after we read the Abbott article, was in the context of the proposed Ramsay gift being not a capital endowment, but recurrent funding up for renewal in eight years. A time-limited gift is not in itself problematic. But building a major program involving the hiring of a dozen new staff, and then being held hostage to its continuation by a donor whose most senior and influential figures appear to have manifestly different views to ours about university autonomy and academic freedom, is not a happy position for any university to be in.

Confronted with the Abbott article, and after carefully reviewing all the clauses of the draft MOU, the Vice-Chancellor and I agreed that he would ask the Ramsay Centre’s Board, through its chairman John Howard, to clarify that ANU’s autonomy in implementing agreed objectives would be completely respected, and that we would retain complete control over curriculum and staffing decisions, making clear that negotiations could not continue until such assurances had been received.

Our discussions with Mr Howard did not, unfortunately, bear the fruit we had hoped. We did not receive any reply giving us any cause to believe that the MOU, with all its overreach – and all the manifest lack of trust in ANU’s commitment to implementing the new program in good faith that it represented – would be fundamentally revised. And so we terminated the negotiations. At the same time we made clear – and this is still the case – that if the Ramsay Centre and its Board are prepared to understand and respect the concept of university autonomy, our door is open. But we are not holding our breath.

Defending Free Speech. There is one remaining theme I want to address going to the distinctive value of our universities –viz, their role in generating the skills and knowledge that will be not just for today’s world but tomorrow’s – and going again to our role as university leaders in preserving the very idea of a university as adding something uniquely valuable to our human experience. It goes further than insisting on university autonomy, as critical as I hope I have made clear that is. It is about what we *do* with that autonomy. And I suggest that

what should be an absolute priority in this respect is maintaining totally intact, with no qualifications whatever, the traditional idea of the university as the home of free speech, of the clash of ideas, of unconstrained argument and debate.

A disconcerting development in the United States in recent years, on even traditionally very liberal campuses like Yale, Chicago and Berkeley is an attempt by some students and staff to shut down argument and debate, on the basis that people should not be exposed to ideas with which they strongly disagree. And we are beginning to see some early signs in Australia of this same phenomenon, with the Universities of Western Australia and Sydney in particular, having had some well-publicised issues in this respect recently, with the Van Meter and Bettina Arndt cases.

We are hearing about “no-platforming” – disinviting or shouting down visiting speakers espousing various heresies; about the need for “trigger warnings” – alerting students to potentially upsetting racially, politically or gender sensitive themes they may be about to encounter in class discussion or assigned texts; and, most disconcerting of all, the need for “safe spaces”, or “safe learning environments”, where students can be completely insulated from anything that may assault their sense of what is moral and appropriate.

Maybe the emergence of these issues on university campuses is just a reflection of changing wider societal norms, including a welcome new sensitivity about issues on which far too many people were grossly insensitive in the past. But if welcome sensitivity is carried to the point of extreme timidity about ever possibly offending anyone, anywhere at any time, we run a serious risk of forgetting the core rationale of free speech for which people have been arguing and fighting for centuries: it is only through the largely unconstrained clash of ideas, some of which are bound to offend someone, that the truth can ever emerge; it is only through ideas and arguments and assertions being contested that we can ever start understanding the difference between reason and unreason.

“No platforming” and “safe spaces” are highly problematic anywhere, but there are some contexts in which they are absurd to the point of indefensibility. I would have thought writers festivals were one such context – but the Brisbane Writers Festival has proved me wrong this year with its decision to disinvite Bob Carr and Germaine Greer because it feared their ideas (on Israel and China in the case of Carr; and on rape, as muddled as her ideas actually seemed to be, in the case of Greer) would generate too much controversy.

I hope – and if I prayed, I would pray – that our universities never become susceptible to the safe-spaces/no-platforming/trigger-warning disease. Maybe I’m just an unreconstructed child of the 1960s, when I and other student activists were not only not demanding protection from offence but devoted to *causing* it, through exercising to its untrammelled full our right to free speech about just about everything. In 1964, visiting the US on a State Department-sponsored program designed to civilise Asian region student leaders, I’m afraid I dismayed my hosts by sitting in on, and being profoundly moved by, some of the famous Free Speech Movement protests at Berkeley that were triggered by the then UC administration’s ban on handing out

antiwar literature. And I have to say I share a little of the sentimental bemusement of a commentator I read the other day who said of radical students at Columbia University that “In just over a generation they’ve moved from marching with Black Panthers to petting therapy Labradors called Mollie”.³ But I strongly believe that there are principles of really quite timeless significance here, on which university administrators and governing bodies simply must take a stand.

I think we should also take a clear and common stand on the question which has arisen very recently about who should pay for any greater than normal security precautions that may need to be taken in the context of campus visits by particularly controversial speakers. At ANU, we have taken the view that if we are serious about free speech – which must mean allowing views we might find abhorrent to be heard – it would be unconscionable to make either those sponsoring the speech, or those wanting to protest against it, to pay for their exercising their rights. Of course we would prefer to be spending our scarce resources more productively, but bearing these precautionary costs ourselves, on the likely very rare occasions when they should ever become necessary, seems to us just to come with the territory.

Of course there have always been well understood and perfectly acceptable limits on free speech, properly enforced on university campuses as anywhere else, when it comes to causing not just offence or insult but definable *harm* – including outright incitement of racial hatred, or gender or political violence, intimidation or humiliation. Of course, again, it may just be an exercise in civility, not political correctness run riot, for lecturers about to address topics like the sociology of sex abuse to alert their students to potentially disturbing content. And of course it has also been long common, and perfectly uncontroversial, to establish campus centres where particular ethnic and religious minority students, when they feel the need for time out, can be physically inconspicuous and socially comfortable.

But the bottom line seems to me, and I hope to you, to be this. Learning to live with uncomfortable ideas, and responding to them appropriately, is part of the business of growing up. How can anyone cope with the world if sheltered from awareness of any views he or she does not already hold? Lines have to be drawn, and administrators’ spines stiffened, against manifestly unconscionable demands for protection against ideas and arguments claimed to be offensive.

If they are not, universities will lose their whole *raison d’etre*. And keeping alive the great tradition of our universities – and the absolute centrality in that tradition of both untrammelled autonomy and untrammelled freedom of speech – is a cause to which university chancellors, and everyone else in a leadership position in our universities, should be prepared to go to the barricades.

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³ Josh Glancy, ‘Rise of the snowflake generation’, *Weekend Australian*, 8-9 September 2018