

ACADEMIC FREEDOM AND THE UNIVERSITY OF NOTTINGHAM

for several hours by the police shortly after the arrests and that he had, early on, composed a 'four-page rebuttal' to the 'factually accurate statements' which the Vice-Chancellor claimed the University had issued. He defended his colleagues further thus:

A number of us who have been involved in, and affected by, this affair have been concerned that senior management will not discuss the issue with us. Since they are not open to discussion, and since they do not have all the details at their disposal, they have been prone to making maladroit statements. A brief meeting would have cleared up much of the misunderstanding. But instead of talking to those involved, Sir Colin has aired his views in public in the letters pages of *Times Higher Education*. I believe this to have been impolitic at this juncture.⁴⁶

The tone of this letter was refreshingly sober, and its author genuinely seemed interested in the truth rather than in grinding axes, having largely stayed above the media melée.⁴⁷ Nonetheless, his argument that senior management was not in possession of the facts, and therefore that it should not say anything in public, was unconvincing.

We were, in particular, baffled by the suggestion that senior management would not discuss the issues, or that it was not in possession of the essential facts. We had been able to discuss the issues with University senior management since virtually day one, and had found them to be quite forthcoming with information, of which they had a great deal, much of it potentially damaging to the campaign's credibility and, in

⁴⁶ Rod Thornton, letter to *Times Higher Education*, 26 June 2008 (<http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=402543>, accessed 13 July 2008).

⁴⁷ He had been cited, but only factually, in an Associated Press syndicated article which appeared as 'Terrorism arrests on British university campus raises questions over academic freedom', *International Herald Tribune*, 25 May 2008 (<http://www.iht.com/bin/printfriendly.php?id=13195285>, accessed 18 June 2008).

122
E.C.C.

Well,
Registrar
could
see it

ACADEMIC FREEDOM AND THE UNIVERSITY OF NOTTINGHAM

particular, Hicham Yezza's good name — which was *precisely*, quite apart from the issues around confidentiality mentioned earlier, why we felt justified in suggesting that senior management's responses had been restrained. Whenever we asked senior management for information — even information that did not show the University itself in entirely the best light (as we shall see) — we were never denied it. It was perhaps naïve of Rod Thornton to forward his analysis of the situation to a general inquiries email address, rather than to seek out the relevant managers personally; it was certainly surprising that he should expect those managers to come looking for him.

So, for example, when we requested a copy of Rod Thornton's letter, we received it within a day (from a sheepish Registrar, it must be admitted, who had allowed it and many other mails to languish in the general inquiries for several days). As this was never intended to be a public domain document, we have refrained from quoting it. It is not a headline-grabbing stunt or a quotable verbal display. It is a serious and sincere attempt to help clarify a situation which everyone agrees was of justified and widespread institutional concern, by someone who very clearly had the interests and welfare of a particular student in mind.

The immigration case

The University of Nottingham is, of course, not blameless in this affair, even if its fault was not the violation of academic freedom. It is clear that it conducted itself illegally by employing Hicham Yezza in February 2007 and in continuing to employ him for a further *fifteen months* until his arrest *without obtaining from him the basic documentation which might verify his right to work*. This was a matter on which we questioned senior management and on which we found them wholly candid. The University cannot provide a statutory defence against the charge, if brought, that its employment of Hicham Yezza was