

March 12, 2007

**To: Commission on Inquiry on Allegations relating to the Hong Kong Institute of Education**

**Submission from: Prof. David Grossman**

*Note: I am currently Dean of the Faculty of Languages, Arts and Sciences, formerly Dean of the School of Foundations in Education, and have been a member of Senior Management for approximately six years in these roles. I am a staff member of Council elected from Academic Board, a member of the Council Staffing meeting, and was one of two staff Council members of the Ad Hoc Committee on the Reappointment of the President. I have been at the Institute since 1995 and have served under all three Institute leaders to date.*

The “merger” agenda of SEM Professor Arthur Li is patently clear from public statements he made both while vice-chancellor of the Chinese University of Hong Kong (CUHK) and subsequently after becoming SEM. It is also clear to this observer that having failed to achieve this goal in the public arena, the merger agenda was pursued in a “stealth” manner behind the scenes. Sources include verbal reports to Senior Management from the President and Vice-President on phone conversations and meetings with the SEM and PSEM, informal discussions with colleagues from Chinese University, and statements by the Chairman of Council.

The January 2004 telephone conversation referred to in the Orders and Direction of the Commission of Inquiry was reinforced by the famous or infamous statement of “death by a thousand cuts” if HKIEd did not pursue a merger, made by the Council Chair (Thomas Leung) at the senior staff retreat later on 24 April 2004. After that time the issue of “merger” overhung our senior staff meetings with varying degrees of intensity. Soon after the “1000 cuts” retreat, a second retreat was held (5 June 2004) from which the policy of deep collaboration with CUHK ultimately emerged. It was felt that this would meet the issues of integration raised in the Niland Report, and at the same time protect the Institute from what was perceived as not a merger by mutual consent but rather a hostile takeover attempt. The Institute did considerable research on the processes and outcomes of university mergers internationally (these documents are available), and developed a scholarly approach to the matter built around the major proposition of building mutual trust as a pathway to greater collaboration.

In any case, the measured and research-based approach of the Institute and the deep collaboration strategy did not seem to deflect the EMB from pursuing “death by a 1000 cuts,” and the Institute suffered throughout this period from a number of harsh cuts in both student numbers and resources. The general rationale given by EMB (and it is still being used) was usually based on estimates of the supply of teachers that were never accurate, and no weight was given to the extremely high employment rates of HKIEd graduates. We can only surmise that the cuts emanated from EMB’s retribution for not following the line demanded by the SEM and PSEM.

In reference to the allegation about attempts to have staff members dismissed, Senior Management meetings discussed occasions on which the PSEM called the President with reference to ending the employment of certain HKIEd staff members. In my memory this discussion was most intense after the Principals’ Conference in late March 2004 organized by Y.C. Cheng (Prof Cheng Yin Cheong). During the conference Prof Cheng and several participants voiced pointed criticisms of the educational reforms and after the conference generated a website in which principals criticized both the substance and pace of the reforms. This is when the call from the PSEM to the President about Prof Cheng’s employment was reported and discussed by Senior Management. Senior Management then discussed how best to protect academic freedom while at the same time making clear that the criticisms of the educational reform did not represent an official or for that matter unofficial point of view of the Institute. Prof Cheng was advised to move the website off the HKIEd system and make it an independent point of access so that the views expressed did not appear to be endorsed by the Institute, but his right to criticize the reforms was never challenged and he has continued to voice his concerns both in public forums and in articles he has written.

I was also party to discussions during Senior Management meetings concerning calls made from the PSEM about Ip Kin Yuen and Lai Kwok Chan. I was also aware (as his Dean at the time) at the attempt by EMB (but not necessarily the PSEM) to censor Dr Pang I Wah for a presentation he made on School Based Management, specifically asking that he be removed from similar programmes in the future.

In sum, I became increasingly aware of the two-pronged attack on HKIEd based on the merger agenda of the SEM and the attempt to limit criticism of educational reforms by the PSEM. Though the motivations were different the Institute suffered on both counts.

Returning to the merger agenda, it became clear to this observer that despite the ostensible official Council policy of deep collaboration and no discussion of merger for two triennia,

it was still under discussion behind the scenes. CUHK colleagues revealed (in 2006) to me discussion of a proposed plan in which through a merger CUHK would form a graduate faculty of education and HKIEd would become the undergraduate faculty. Then after the September Council meeting the Chair held an informal meeting with the HKIEd staff Chinese members of Council, and it was reported to me that the Council Chair indicated merger was still on the agenda.

Based on this and other sources of information, academic staff became aware that the reappointment of the President had become entangled with the issue of merger. Senior academic staff met on several occasions and in the end drafted a letter of concern to the Council officers that was delivered to them on 11 October 2006. (This letter signed by 18 senior members of Academic Board is Attachment #1.) Here is a relevant paragraph from that letter:

*Our new information indicates that as a result of external pressure the existing policy on deep collaboration is being changed to a forced merger on terms that we as the academic leaders of HKIEd would find less than favourable. Of course, the Council has the right to make changes in policy, but such a change in policy has not been discussed in Council. Further the issue of outside interference in internal processes is deeply worrying. In this context we contend that it is both disingenuous and dysfunctional to carry out the review of the incumbent President until the merger issue is laid out clearly and transparently.*

The Council Chair responded to the 11 October letter on 20 October (Attachment #2), but it was felt by the 18 signatories of the first letter that he did not sufficiently address the core issue of the merger agenda. A second letter was posted on the HKIEd intranet and circulated to all Council members and HKIEd staff on 7 November 2006, and it is attached (Attachment #3).

The suspicion about the merger agenda came home again through the unprecedented and somewhat bizarre procedures of the Ad Hoc Committee on the Reappointment of the President, of which I was one of two staff Council members along with the three Council officers. Though the Committee was announced in April 2006, it was not activated until September 2006, despite two attempts on my part to remind the Council Chairman of the urgency to move forward on this. In fact, the lack of progress was only put on the September Council agenda because of staff Council members' request as AOB. This delay was compounded by the fact that the Committee did not actually meet until 29 21 November 2006 after the Council officers had collected opinions and drafted a report, and ✓

met again on 29 November  
2006

just three days before the 1 December Council Meeting when we were advised the Council would make a decision. A request by the two Council members to participate in the collection of views from "stakeholders" was denied as it was decided by the Council Chair that this would inhibit discussion. We also had no access to the notes of the meetings with the stakeholders. I have appended an example of my email correspondence with the Chair about the conduct of the Presidential review.

In fact, I consistently brought to the attention of the three Council officers my concerns about the lack of transparency of the Ad Hoc Committee, and its flawed procedures that did not correspond to either local or international norms. I have appended one email exchange (Attachment #4) with the Council Chair about the process as an example. In the end, I did not endorse the procedures with the following comments:

- 1. That while the process may be "legal" in the narrowest sense, I do not find it consistent with the terms of reference for the committee when it was established in April by Council, in which it states that the "ad hoc committee will collect views." The Chair has made it clear that the staff members of the ad hoc committee will not be involved in "collecting views." This is the Chair's decision. I have no choice but to honor it, but I have to say that I would not have had much interest in joining the committee in such a restricted role.*
- 2. I find the process does not meet the benchmark of most university processes of this type, including most other universities in Hong Kong. I have been shocked by the restrictions of our ordinance. In five HK universities staff members are involved in the deliberation, and in two students are involved.*
- 3. I do not think that we can simply declare the President's job description is out of date. It is the key reference point to performance.*
- 4. There are important issues of due process lacking. I think the President, as is the case is most "normal" reviews of this type, should be invited to write a self-evaluation and respond as to the extent to which he feels he has met the proposed criteria, and that this document should be made available to all Council members and become part of the record. (Note: This final point was agreed to by the Council Chair.)*

As an experienced academic with more than 30 years of university experience, it eventually became clear to me that in fact that this Committee was in every sense ad hoc, and that the only agenda was to remove the President. At one point I told the Council Chair that if indeed his goal was to remove the President it would probably eventuate

because of his position and the membership of Council, but it was important that it be done without “pillorying” the President or doing damage to the Institute. Instead he chose to do both in my eyes.

We later learned through the presentation of the President at the Council meeting about his reappointment that negotiations between him and Thomas Leung had been going on behind the scenes. A specific meeting in June (June 10 I believe) was mentioned during the President’s presentation. In this meeting the Council Chair was reported to have said that if the President wanted to be reappointed, he would have to stand together with the Chair to pursue a merger with CUHK. The President said that he told the Council Chair that if the Council changed its policy (from deep collaboration) to favor a merger with CUHK, he would not seek reappointment. However, in fact the policy was not reviewed by Council, and the policy of deep collaboration remains in place even today.

It appears to me that from that date onward the fate of the President’s reappointment was sealed, and that procedures were skewed to assure that he would not be reappointed. I regard the argument that it was an open and transparent process as disingenuous. Particularly damaging to the overall impression of the reappointment deliberations during this period (late 2006) was a report in Ming Pao in which the Council Chair was reported to have responded to a query about a possible leadership vacuum if the President was not reappointed (as it was known the VP Academic was already leaving). According to the press report, the Council Chair said that the Institute had identified an ideal candidate for Vice President (Academic) who could easily step in as an Acting President should the President not be reappointed. <sup>Another</sup> The article (not the Council Chair) identified this “ideal candidate” to be Lee Wing On, a former HKIED staff member. However, at the time of this press report the Search Committee had not even short-listed its candidates. (Last week Lee Wing On was confirmed as the new VP(Academic).)

Concern about the reappointment process and a perceived hidden agenda on the part of the Council leadership to remove the President in order to have a more “malleable” leader led the Academic Board to pass the following resolution on 22 November 2006.:

*AB wishes to express its serious concern about the presidential review process. In the interest of fairness and due process, we therefore respectfully request that Council not rush to judgment on this matter and that additional time be allotted for Council discussion regarding the process and for further consultation and collection of views from stakeholders, as well as adequate time for the President to prepare his response. Within this context, we specifically resolve that no decision on the reappointment of*

*the President be taken at the 1 December Council meeting.*

Against this backdrop the Ad Hoc Committee on the Reappointment of the President finally met on 21 November 2006, shortly before the Council was expected to make a decision (December 1). A second meeting was held on 29 November 2006. The report drafted under the direction of the three Council officers was tabled at the first meeting for the two staff Council members and the student member who had been added as an observer. When the President joined the meeting at a later point, the report was shared with him. This report was full of innuendo, errors of fact, and questionable formatting. The interviews <sup>conducted</sup> ~~conducted~~ by the three Council officers did not include key stakeholders (such as principals and school bodies that receive HKIEd graduates), nor was it very representative of the rank and file staff. Important evidence was missing from the report, which was limited to a summary of views expressed in individual and small group meetings with Council officers. Other evidence included a student poll favoring reappointment of the President, a majority of submissions from the HKIEd staff association supportive of his reappointment, and nearly unanimous support of the senior academic staff for his reappointment. In the end only minor amendments to the tabled report were accepted.

Based on the above I recommended that they burn the tabled report and start over to present a suitable document that would meet the minimal standards of evidence and presentation. Instead the Chair decided that it would be shown to the President and tabled to the Council without endorsement of the Ad Hoc Committee as a representation of what was said in their interviews with stakeholders. (Note: I consider the document defamatory.) The Chair had the further temerity to say at the December Council meeting that it met sociological standards of research. In fact, it would not meet the standards of an undergraduate paper. It is an embarrassment.

Let me briefly state the following points:

1. There was a considerable delay in the Presidential reappointment process which has never been satisfactorily explained. It is now apparent that there was some negotiation between the Council Chair and the President that did include an agenda for merger, based on the report of a meeting held in June 2006.
2. The Ad Hoc Committee on the Reappointment of the President only met ~~once and~~ after the Council officers had prepared their report. The Committee was for all practical purposes dysfunctional and subject to the decisions and sometimes whims of the Council Chair.

3. Staff members of the Ad Hoc Committee on the Reappointment of the President were not allowed to participate in the gathering of information from stakeholders nor did they have access to the notes from these meetings.
4. Suffering from the lack of informed academic input on the use of evidence, the report is simply appalling. It failed to refer to important evidence from other sources, including the student poll, the staff association, and Academic Board. The report is seriously flawed both in format and substance, and can only be interpreted as an attempt to bolster a decision not to reappoint the President.
5. At the Ad Hoc Committee meeting on 29 November 2006, the President specifically referred to having had to operate under substantial pressures from government. This was repeated in his presentation to the entire Council at the subsequent Council meetings.

There were two Council meetings (in December 2006 and February 2007) in which the major agenda was the President's reappointment and his own presentation. In these sessions the President reiterated having had to face government pressures and specified an occasion (in June 2006) when this was discussed with the Council Chair. This was not denied.

At the February Council meeting staff members of Council (with the exception of the Academic and Administrative VPs) were excluded from the discussion of the decision about the reappointment of the President even though legal advice was that this was permissible. Instead the Council Chair said he would take it under advisement and discuss it while we waited outside the chamber. We waited for an hour and a half and then were called in to be informed that the President was not reappointed (with the vote still visible on a white board).

Why is this relevant? The bottom line is that a major, if not the most important, criticism, of the President's performance was in the area of the relationship to the government, namely EMB. Indeed the reality of a strained relationship with government was there (in fact not with government or EMB as a whole, but with the SEM and PSEM in particular).

In my view the issue of relationship with the government boiled down to two agendas: the merger agenda (particularly of the SEM) and the agenda to stifle criticism of government education reforms (particularly of the PSEM). The Council Chair, and apparently the other two Council officers, have chosen to construe this as a performance failure on the part of the President to justify his removal, instead of resisting undue pressure and interference by the government in academic governance, or at least trying to ameliorate such pressure.

There is no doubt in my mind that had the President agreed to forward the merger agenda and successfully silenced several key critics of government educational policies he would have been reappointed.

Yet, in the end it is not the appointment or the reappointment of the President that is the central issue. Rather the central issue is one of governance. We need to ask whether this Council in its current constituency is capable of meeting established standards of university operation, including the ability to operate independently of government pressure (which will always be present) and to follow proper protocols and procedures in the review of senior appointments.

Based on the above, in sum I would conclude that (a) there has been undue pressure and interference from government, and in particular from the SEM and the PSEM in the operation of the Hong Kong Institute of Education, and (b) the Council <sup>Chairman</sup> has failed to protect the interests of the Institute in this regard and at times promoted actions that contradict its own approved policies, i.e., a proposed merger with the Chinese University of Hong Kong..