

From: Professor Elizabeth Rata  
School of Critical Studies in Education  
University of Auckland

To: Mr. Andrew Phipps  
Director of Human Resources  
University of Auckland

20th November 2024  
Dear Mr. Phipps

I am writing to lodge a formal complaint against the university's Equity Office for its interference with the academic freedom required for my employment, namely, to be free to select and teach scholarly and accurate course material. The Equity Office has issued "instructions" to me, via my Head of School that I make "corrections", ones provided by the Office, to the 'Women and Education' lecture in my Bachelor of Education course, History of Education and Society (EDUC 106). (Email 25th October 2024). I have refused to make such "corrections" and have rejected my Head of School's subsequent intention to change the course on my behalf. (Email 7th November 2024).

The material which led to queries by students describes the debate in society about binary biological sex and gender social construction. In the lecture video I refer to the need for the students, as future teachers, to know that this is an issue in education that they are likely to encounter in their careers. I say that while the two perspectives are found in the public debate, the science states that biological sex is binary.

Here is a link to the part of the video about the matter if you wish to view it.

<https://auckland.au.panopto.com/Panopto/Pages/Viewer.aspx?id=ad492a5c-de09-4d57-ae06-b21e00150e07>

The Equity Office has "instructed" that I include the following in the lecture:

"It is a scientific fact that human biological sex is not binary. The biological sex of some people is neither female nor male."

The Office justifies its demand by stating that: "The university has a moral obligation to provide accurate information to the affected students, in line with our values of excellence and integrity."

However, academic integrity means asking biologists to define sex, not the Equity Office. An accompanying statement by eight reputable scientists provides the accurate science. In addition the scientists state that university administrators attempting to overrule academics, and spread inaccurate pseudoscience, raises serious issues of national and international concern.

My complaint addresses three interconnected points.

First, the Equity Office is interfering with the fundamental nature of my employment as an academic, work which requires me to exercise academic freedom in the selection of scholarly and accurate knowledge for the courses I teach.

Second, the Equity Office's self-appointment as the university's moral guardian of student intellectual 'welfare' is wholly inappropriate and requires challenging. It is my responsibility, one I take seriously, to ensure that students develop the ability to think critically about the complex ideas they encounter at university.

Third, the Equity Office has no authority to take a position on the knowledge taught by academics. In this case it has done so in the interests it claims of "providing accurate information". Yet, in an own home goal, the so-called accurate information it provides is completely inaccurate. It is not true to say that "It is a scientific fact that human biological sex is not binary. The biological sex of some people is neither female nor male."

Following the full investigation of my complaint, I recommend the following as an acceptable solution:

1. The Equity Office provides me with a written apology for its interference in my academic employment.
2. The Equity Office writes to the scientists who have provided the accompanying statement to say that it will not make further inaccurate statements concerning scientific matters nor will it interfere in scientific matters.
3. The Equity Office writes to the student or students who queried my material telling them that it is not able to interfere in an academic's teaching material.

Finally, I ask that nothing about this complaint be considered confidential. There are two reasons for this. First, the Equity Office is an administrative office in a publicly funded university and is therefore accountable to the public, especially in a case such as this where there is already considerable public interest in the sex-gender issue. In addition, the matter has already received attention in the media.

Second, as Co-Chair of the Free Speech Union's Inter-University Academic Freedom Council, I have made the matter widely known and intend to keep interested parties updated, including sending them copies of this complaint and the accompanying scientists' statement. The case illustrates larger issues, such as the place of an Equity Office in a university, all of which require vigorous discussion. Imposed confidentiality would act against such important discussion.

I look forward to hearing from you.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Em Rata". The signature is written in a cursive, flowing style with a large initial "E" and "R".

Elizabeth Rata (Professor)