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Chapter 15. THE FOURTH AND FINAL DAY OF THE HEARINGS: THURSDAY,
JUNE 12,1975

During the two days before this final hearing day, I had spent much time working on a succinct summation, one which might give the members of the Hearing Committee some understanding of what had happened to me and to my colleagues which might have led to the predicament we were now engulfed in. I didn't sleep very well the night of June 11,1975. I got up feeling quite tired and unrefreshed on the morning of Thursday, June 12,1975. When I'm feeling like that I know there's only one thing I can do to get over that feeling and that is to go out and run. I did just that. I got into my running shorts, put on my New Balance shoes, and I was off into the streets of Kent.

In the past couple of years I had established my own running course in Kent. I would run from the parking lot of my Lincolnwoods apartment down the South Lincoln Street hill to School Street (about one-half block), turn left on School Street and run over to Morris Road (one block), turn left on Morris Road and run uphill until I reached Summit Road (about two and one-half blocks), turn right on Summit Road and run over to the University School tennis courts area (another two blocks), turn right at the tennis courts for about 100 yards and then left to the playing fields and quarter-mile cinder track which also belonged to the University School campus. Once at the track I would run as much as I felt like doing. To the track from my apartment it was approximately one mile using the course I just described. That morning I ran one-half on the track and then returned to my apartment. As usual, I did that entire run without stopping. That particular run was roughly two and one-half miles. Usually that last half-block up South Lincoln Street hill I sprint and then

cool down in the parking lot by walking for three or four minutes. I felt very good after that two and one-half mile run, especially after a brisk shower and a simple nutritious breakfast. I now felt ready for the final day of the hearings.

At 8:20 A.M. when I arrived at the parking lot of the Business Administration Building, the generally fairly full lot was relatively desolate. It was the next to the last day of the spring quarter. Most students had completed their final examinations the day before and few students or faculty were now around campus or even in town. This part of the campus looked like a ghost town. No human being was in sight. When I walked up to the building I got the eerie feeling that the building might be closed and that maybe I was mistaken about the day and time of the final hearing. However, the doors to the building were open and, without seeing any other human being, I took the elevator up to the fourth floor. When I got off the elevator and approached Room 483 that feeling was still there, that feeling that maybe this was the wrong day and the wrong time and that there would be no people in that room when I opened the door. I was wrong, however. I quickly was reminded that I was wrong.

Doutt: "You're 20 minutes late. Where have you been?"

Frank: "What happened to you?"

Frumkin: "I'm sorry I'm late, I ---"

Bayer: "Let me talk to my client a moment."

Frank: "It's now 8:25 A.M., Thursday, June 12, 1975, the final hearing of the Dr. Frumkin appeal is now in session. We have three witnesses this morning. We shall hear them from 8:26 A.M. until 10 A.M. From 10-11 A.M. we will have the summation by Dr. Frumkin and his attorney. The first witness is Jerry Sitko."

Jerry Sitko was a tall, slender, 23 year old graduate student in the rehabilitation counseling program. He was a bright, vivacious young man with a talent for speaking openly and honestly about anything and everything that was on his mind. He was very much aware of the injustices he saw about him and let it be known how he felt about them. At a graduate student party during the winter, 1975 quarter he also made it known that he was a superb pizza-maker. Between his pizza and good sense of humor he had many friends.

Sitko: "My name is Jerry Sitko. I'm a graduate student in rehabilitation counseling."

Frumkin: "How many courses have you had with me?"

Sitko: "Four courses."

Frumkin: "Do you remember anytime that I was unfair to or harassed students?"

Sitko: "No. Not anyone I know of."

Frumkin: "You were in my counseling practicum in the spring quarter and dropped out. Can you relate to the Committee what happened at the time you decided to drop the course?"

Sitko: "When a few of us in that class decided we wanted out, Dr. Saltzman, Dr. Sakata, and you discussed the reasons and then Dr. Saltzman said that I'd have to write a letter just so that it's on the record, that is, stating the reasons. I submitted a letter stating my reason as being my particular need for a great deal of supervision which I could not get from Dr. Frumkin's class since it was not constructed that way. I said in that letter that it was not Dr. Frumkin's fault because I had a great need for personal supervision. About two or three days after I had handed in the letter, I heard that Dr. Saltzman was not going to accept the letter so I went to talk to him about it. He told me you need a better reason and that you shouldn't state that you think 'Frumkin's a great guy.' At that point I was caught between getting out and staying in another counseling practicum so I rewrote the letter stating that I felt I wouldn't get what I needed out of the course Dr. Frumkin was teaching and I knocked out the state that it was 'not Dr. Frumkin's fault.' "

Frank: "Are you suggesting that Dr. Saltzman wouldn't let you get out of that course?"

Sitko: "No. What I'm trying to say is that the statement that it was 'not Dr. Frumkin's fault' was objectionable to Dr. Saltzman even though he had said previously that anyone wishing to drop the

course may do so. Anyhow when I rewrote the letter without the remark that it was 'not Dr. Frumkin's fault' he accepted my resignation from the class and put me into another counseling practicum."

Frumkin: "What do you think of my teaching orientation?"

Sitko: "It is not typical. It is not lecture-oriented. You have films, field trips, outside speakers, good discussions. I find your classes very interesting."

Frumkin: "Do you know Nancy Gabalac?"

Sitko: "Not personally but I've heard many things said."

Schwitter: "What did you hear?"

Sitko: "Several things. Lots of students wonder why Nancy Gabalac is able to graduate when we know she has not had to take many of the required courses we had to take. She has dropped at least four classes after only one or two appearances in class. She has dropped out of Philosophy and Principles during the fall quarter; Medical Information I and II, two different courses during the winter quarter; and the Uses of Tests in Counseling. Two of those courses were Dr. Frumkin's and other two were taught by Dr. Sakata and Dr. Litwack. Oh, she also dropped out of Dr. Frumkin's Field Services course. Did I say four courses? I'm mistaken. It was five required courses she got of."

Frank: "I'm not clear. She never signed up for these courses or dropped them or wasn't required to take them, or what?"

Sitko: "She was supposed to take them and so she came to a couple of classes and never came again."

Sites: "Do you know of any other students who get the same privileges as Nancy Gabalac?"

Sitko: "None that I know of."

Frumkin: "Have any faculty members discussed the classes I teach, that is, whether or not to take them?"

Sitko: "Yes, I remember one specific derogatory remark. Dr. Litwack asked one student I was with what course he was taking at a particular time and Dr. Litwack said about Dr. Frumkin's course "Why don't you take something useful?"

Frumkin: " Do you think I'm an asset to the rehabilitation counseling program?"

Sitko: "Yes. Considering that none of the other professors seem interested in the program, a lot of students, including myself, wonder if we lose Dr. Frumkin, what will happen to the program."

Schwitter: "What is your evidence that other professors are not interested in the program?"

Sitko: "Speaking of Dr. Sakata, he has told me and said in class

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that he got the position of coordinator of the program and didn't want it and Dr. Palmerton only teaches two courses in the program."

Frank: "Any further questions for the witness? If not, you're excused Jerry."

The next scheduled witness was Dr. Keith Palmerton. This was his second time on the witness stand because the first time he appeared he was excused in order to permit another witness who was on a very limited schedule testify before we had completed our cross-examination of Dr. Palmerton. After Dr. Palmerton seated himself on the witness chair, it was Dr. Schwitter, with his decided Germanic accent (he's from Switzerland), who asked Dr. Palmerton the first question.

Schwitter: "I ask you again, going back in time, if there was a period in your relationship with Dr. Frumkin, that you worked together, collaborated in writing and publishing? Is that correct?"

Palmerton: "Yes. That's correct."

Schwitter: "Could you recall the incident causing the friction and increasing not the animosity, perhaps, but the increasing lack of collaboration between you?"

Palmerton: "I'm not aware of any one incident. It was more like a series of incidents."

Schwitter: "What type of series? Explain please."

Palmerton: "The friction as I see it between Bob and me was because of some concerns I had brought to me by students and then he and I would sit down and discuss these concerns, saying that certain things would be done and we would agree to deal with certain issues."

Schwitter: "Is this private or could you give us illustrations? What was the substance of your discussions?"

Palmerton: "People would say that Dr. Frumkin is difficult to get hold of, so we worked out posted office hours. Other faculty members say they're carrying your student advising load. Things like these."

Schwitter: "Were you the initiator of these discussions or was Dr. Frumkin?"

Palmerton: "I was."

Schwitter: "Why did you perceive this a problem that you would have to solve with Dr. Frumkin?"

Palmerton: "I was coordinator of that program and he was one of the faculty members I was working with. Initially I didn't see these as really big problems, only things to be dealt with."

Schwitter: "What was the result of these meetings? Do you feel that Dr. Frumkin would not cooperate?"

Palmerton: "Yes."

Schwitter: "So this caused friction to occur?"

Palmerton: "Yes."

Frank: "Any further questions from the Committee?No. Dr. Frumkin, do you have any questions?"

Frumkin: "What obligations do instructors have to interns?"

Palmerton: " Well, we try to visit them at least twice during the quarter and maintain contact with the institutional supervisor. Ingrid Kunstel and I have been taking care of the internship this quarter."

Frumkin: "How is Ingrid involved?"

Palmerton: "For helping out with the internship she is getting credit for college teaching."

Frumkin: " Are you aware of the fact that 6 of the 9 students on internship have only been visited once this quarter?" ((student interns are supposed to be visited at least three times per quarter. Even with his student assistant this did not happen. Yet the student got credit for college teaching and a graduate assistantship and Dr. Palmerton got credit for five hours on his 10 hour teaching load for the spring quarter. By contrast, that quarter I was teaching 14 hours, four courses, had no graduate assistant, was administering the rehabilitation counseling grant, and was trying to defend myself against dismissal.))

Palmerton: "I realize that because of the hearings and a lot of other things, we have not made as many visits as in the past. However, we've had telephone contact with them, that is with their supervisors at their internship sites." (emphasis added)

Frumkin: " Are you a full member of the Graduate Faculty?"

Palmerton: "I'm now an associate member." ((An associate member cannot be the principal adviser for a doctoral candidate. That is only a prerogative of a full member of the Graduate Faculty. Full membership in the Graduate Faculty is generally a prerequisite for associate professor rank and tenure. Dr. Palmerton had full membership shortly after publishing four articles with me but lost that status. I had and maintained full membership from almost the very beginning of my appointment at KSU.))

Frumkin: "Why is that? Weren't you once a full member of the Graduate Faculty?"

Palmerton: "Because of my choice not to be involved in writing and publication for the last five years."

Frumkin: "How many courses have you taught in Rehabilitation Counseling since you've been at KSU ?"

Palmerton: "That's difficult to say...All courses at one time or another."

Frumkin: "Would you say that you have taught as many as I have?"

Palmerton: "There's probably not a remarkable difference but I don't know." ((The fact is that I had taught more courses than both Palmerton and Sakata. However, in the notorious department meeting in August, 1974, in which my colleagues voted me as the least valuable rehab staff member, Dr. Palmerton wrote and stated that I taught fewer courses than he and Sakata.))

Frumkin: "Didn't you state in your August 24, 1974 memorandum to the department that I taught very few courses in the department?"

Palmerton: "What I am aware of is how resistant you have been in not wanting to teach certain courses."

Frumkin: "Are you saying that I do or don't teach basic courses?"

Palmerton: "I'm aware that you told me that you don't feel prepared to teach a lot of them."

Frumkin: "I'm asking you what courses did I teach?"

Palmerton: (turning to Prof. Frank for relief) "Must I continue to answer these questions?"

Franklin: "Go on please."

Frumkin: "You've said in your reports that I don't teach the core courses and the rehab courses are the only ones I teach. Is that so?"

Palmerton: "I'm making reference to your August 24, 1974 memo where you try to justify that I'm the least valuable person in the department and in the rehab program. Now do you understand?"

Palmerton: "When Bob Sakata and I sat down we discussed our awareness that you said you don't want to and are not prepared to---"

Frumkin: "I didn't ask you what we talked about, I asked you what I do in relation to teaching courses. What do I actually teach?"

Palmerton: "I've already answered that."

Frumkin: "You have not! The fact is that I do teach a large number of courses and yet you say I teach very few and refuse to teach courses. Isn't that so?"

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Palmerton: "Yes, you often do refuse to teach courses."

Frumkin (with some anger): "When the hell did I refuse to teach courses?"

Palmerton: "You've refused to teach several."

Frumkin: "Name one course!"

Palmerton: "Occupational Information, then at our insistence you ended up teaching the course. Community Resources you refused to teach but ended up teaching it."

Frumkin: "So I ended up teaching them. What courses have I refused to teach and not taught?"

Palmerton: "I'm not aware of the fact?"

Frumkin: "Are you aware of any course I've not taught that I've been asked to teach?"

Palmerton: "I'm not aware right now." ((One of my so-called unfounded charges against Dr. Palmerton was that he was a liar. The above exchange illustrates well how "unfounded" my charge was.))

Bayer: "Enough of that."

Frumkin: "Are you aware of what you wrote in the August, 1974 report to the dean of the college on the rehabilitation counseling program and its staff? Your initials, Dr. Palmerton, are on the report. This report provides us with some evidence of Dr. Palmerton's bias toward me. In this report there was no mention whatever of what I had contributed to the program. In fact there was no mention of the fact that I had anything to do with the program. This is extremely strange, Dr. Palmerton, don't you think so?"

Palmerton: "It happened that way because of my difficulty in finding you and knowing what to put in the report about you. It was because of your lack of availability that led to that report, that is, leaving things out about you."

Frumkin: "That's hard to believe. Didn't you know that I was coordinator of the rehab grant? Didn't you know that I had published things? Didn't you know that I was teaching courses in the rehab program and the department? You mean to tell me you didn't know any of these things without asking me? Your report suggests that I don't even exist, that I'm not around. Members of the Hearing Committee I submit this report as an example of the extreme bias of Dr. Palmerton toward me."

Frank: "I accept this as document # 13."

Frumkin: "Do you do any private counseling, Dr. Palmerton?"

Palmerton: "Yes I do."

Frumkin: "Will you tell the Committee about that?"

Palmerton: "I do counseling at a private agency in Kent."

Frumkin: "How long has Nancy Gabalac been your advisee?"

Palmerton: "Since June of 1974 when she entered the program."

Frumkin: "Have you and she ever discussed my classes or my character?"

Palmerton: "In the course of academic advising she mentioned your classes and that she had talked to you."

Frumkin: "What about discussions during the summer of 1974 before she ever stepped into my classes?"

Palmerton: "I don't remember so."

Doutt: "Could I raise a question? It's reported that she's graduating without having taken four required courses. Is that true?"

Palmerton: "Not that I'm aware of."

Frumkin: "Isn't she graduating in August?"

Palmerton: "I believe she may be graduating in August."

Frumkin: "How is it that she's graduating and that she hasn't had the Philosophy and Principles course, Field Services, Testing, Medical Information I and II, that she got into the Counseling Practicum without taking the prerequisite courses, she got into the Internship without taking the prerequisite courses, she was excused from the Advanced Practicum, and is now enrolled in doctoral courses when she hasn't even fulfilled the minimum requirements of the rehabilitation counseling basic program or few of the national certification requirements? Will you explain this to the Committee? Do other masters candidates have these privileges?"

Palmerton: "Our students are free to take elective courses and are free to negotiate with the professors involved."

Frumkin: "The majority of required courses were waived for Nancy Gabalac and not for any other student. Were those required courses waived by you? Are students free to waive courses?"
(emphasis added)

Palmerton: "Each course must be negotiated with the individual professor."

Frumkin: "Did Nancy Gabalac do that?"

Palmerton: "I don't remember."

Frumkin: "I remember. Nancy didn't negotiate with me to have the Principles course waived. Or the Field Services. Or Medical Information-II. Or the Advanced Practicum. Or Occupational Information. Yet she is graduating with a masters degree in rehabilitation counseling. What are you doing to the reputation of our program? Why all these special privileges for Nancy Gabalac? Please explain this to the Committee."

Palmerton: "You advised her in the presence of Dr. Saltzman that she could take the Principles course as an Individual Investigation with Dr. Sakata and she is doing that."

Frumkin: "I'm sorry to say I don't recall doing that. However, even if I did, what about all the other required courses? I know that Nancy Gabalac did not attempt to negotiate with me to waive all those other required courses I teach and which she should have been taking with all the other masters candidates. What about these other required courses?"

Palmerton: "Medical Information is not required."

Frumkin: "Since when? Medical Information I and II are required in our masters program and they're required for national certification. Nancy is getting a degree in rehabilitation counseling but she is certainly not doing the work. How do you justify her program? The other masters candidates are not excused from required courses. Why Nancy?"

Palmerton: "Nurses and a variety of other professional persons go through our program and many do not take Medical Information. That is meant for people who want to become Rehabilitation Counselors. It is not intended for people who plan to go in a different direction."

Frumkin: "The only case where Medical Information is generally waived is in the case where the student has a nursing or medical background. In that case Medical Information-I is often waived. However, other students are, up until today, required to take that course and many have been denied graduation who have not taken both courses in Medical Information without having them legitimately waived. Your way of advising students raises some important questions we don't have time to go into today."

Frank: "Do you have any further questions you want to ask Dr. Palmerton?"

Frumkin: "Yes. What is our policy about internships that are more than 60 miles away from Kent?"

Palmerton: "I don't know that there is one. There has been none that I'm aware of."

Frumkin: "There is one."

Palmerton: "All I'm aware of is that when we had the time and money, we would visit student in those settings which were far away from campus. We've done that for years. We've visited as far away as California."

Frumkin: "Many times you've stated that students are afraid of me, afraid of retaliation and that is why they wouldn't testify against me. What basis do you have for saying things like that?"

Palmerton: "First of all, I'm not aware of having said that many times, at least not to you."

Frumkin: "You have said to others, haven't you?"

Palmerton: "The basis for that is that students have come to me and talked to me about this. If you want substantiation for that I can refer you to other faculty members."

Frumkin: "Can you name one student who is so afraid of me that he or she would not testify against me?"

Palmerton: "That's difficult to do."

Frumkin: "Of course that's difficult to do. In fact it's impossible because there are no such students."

Beer: "About how many students have this fear, Dr. Palmerton? Five or ten? More than 10 ? Less than 100?"

Palmerton: "I cannot say."

Beer: "I think you owe it to us to be more specific because students have testified that they like Dr. Frumkin. The students who testified claim that the majority of students like Dr. Frumkin."

Frumkin: (turning to Dr. Palmerton) "I'd still like to know of one student like you describe."

Beer: "No, he cannot name one and violate a confidence but he can give us the number of such students who claim they're afraid of Dr. Frumkin."

Palmerton: "I cannot since I haven't kept track of this."

Beer: "You can say a number, maybe give us an idea, can't you?"

Palmerton: "I feel that since I haven't documented them, I'm being pushed to come up with a number. I'd say, perhaps, three or four per year."

Frumkin: "That is about 24-32 students. Among all those students there's not a single one brave enough to testify against me? They must be awfully frightened." ((This whole exchange reminded me very much of the late Senator Joseph McCarthy hearings in which McCarthy made assertions that he had the names of hundreds of Communists who were about to overthrow our government but he was unable to come up with the name of a single bona fide Communist. Are my charges against Dr. Palmerton really "unfounded" ?))

Palmerton: (sheepishly) " Well...uh..uh.----"

Frumkin: "Do you have any interest in the rehabilitation counseling program continuing at KSU ?"

Palmerton: "Yes, of course."

Frumkin: "Do you have any interest in being its coordinator?"

Palmerton: "I don't have any interest along those lines."

Frumkin: "Why did you give up the coordinatorship and grant directorship of the rehab program?"

Palmerton: "I had been leader of the program for many years and I wanted to pull back and not have those responsibilities. I was frustrated with trying to get federal funding and other headaches associated with the program."

Frumkin: " Are you aware of the charges I levelled against you and Dr. Sakata in reference to federal funds? Have you read them?"

Palmerton: "The charges of misuse of federal funds? Is that what you mean?"

Frumkin: "Yes."

At this point a copy of Dr. Palmerton's travel voucher for August, 1974 was given to him and submitted to Prof. Frank as an exhibit. The voucher related Dr. Palmerton's expenses while allegedly visiting a rehabilitation counseling intern who had an internship in Rehoboth Beach, Delaware, some 500 miles away from Kent, Ohio.

Frumkin: "Did you not visit one of our interns at Rehoboth Beach, Delaware during the month of August, 1974?"

Palmerton: "Yes I did."

Frumkin: "Did you have any company along with you or did you go alone?"

Palmerton: "Yes, I had company along with me. These are matters I've already discussed."

Doutt: "What is your point?"

Frumkin: " I have an important point. Did you have your boat with you?"

Palmerton: "Yes I did."

Frumkin: "Was this a regular internship visit? That is, was it a routine visit?"

Frank: "Dr. Palmerton, were you on the University payroll at the time of your visit to Rehoboth Beach?"

Palmerton: "No, I was on vacation. This was a student we wanted to make contact with because we had some concerns about him and so I was asked by both Sakata and the department to be sure to visit this intern." (emphasis added) 1/

Frumkin: "How much time did you spend with the intern's supervisor?"

1/ This is an outright lie. Sworn affidavits prove this to be a lie, affidavits by the student and his supervisor.

Palmerton: "One evening and then I came back to see him again."

Frumkin: "How much time did you spend with the intern?"

Palmerton: "A minimum of one and one-half days."

Doutt: "It was three days, wasn't it?"

Palmerton: "Guess you're right. Three days at least." ((The facts were that there was no concern about the quality of the work the intern at Rehoboth Beach was doing and Dr. Palmerton spent less than four hours with the intern and his supervisor, that is, total combined time. What happened is that Dr. Palmerton (and his girlfriend) went sailing at Rehoboth Beach and dropped in to see the intern in order to get the expenses for his vacation paid by the rehabilitation counseling grant.))

Frumkin: "Have you ever told students not to take any of my courses?"

Palmerton: "I don't remember having ever done that."

Frumkin: "Do you think I'm a bad teacher? You did say that in your August, 1974 memo in order to justify my removal."

Palmerton: "It was based on the opinions of Sakata and me. We're entitled to our opinions."

Frumkin: "You concurred with Sakata on that idea? On what basis did you do that? Did you ever visit any of my classes before that evaluation of yours?"

Palmerton: "I base my report on what he (Sakata) and students have said."

Frumkin: "Do you deny that students have said that I'm a good teacher?"

Frank: "That's all we have time for on this---"

Schwitter: "I want to go back to the question I asked of Dr. Palmerton about the friction between him and Dr. Frumkin. Can you tell us more about that friction?"

Palmerton: "Bob was never available to students and didn't post his office hours." (emphasis added)

Frumkin: "That's an outright lie! I've posted my office hours from the very beginning of my teaching at KSU and have been more available to students in the department than most of my colleagues and especially you!"

Frank: "Any further questions, Dr. Frumkin? We're running out of time."

Frumkin: "Do you feel that your life is in danger? From me? That was one of the charges. Everyone in the department was supposed to be fearful of me."

Palmerton: "If you mean physical danger, no. What I fear more is the kind of attacks you make in letters without consulting me."

Frank: "Do you regard those things by Dr. Frumkin as harassment?"

Palmerton: "Yes, it feels like harassment when he doesn't check with me first. It feels like harassment when he threatens to do something. For example, when he said that he was going to present the charges against us on December 7th, the day Sakata's ancestors bombed Pearl Harbor." ((Dr. Sakata is a Japanese-American))

Frumkin: "Surely, at that time, I meant it as a joke. You didn't take it seriously, did you?"

Palmerton: "It wasn't very funny under the circumstances."

Beer: "Did you see this as a physical threat? That he'd drop a bomb? What did you think that he meant by 'bomb.'?"

Palmerton: "No, I didn't see it as a physical threat but I was afraid of the verbal things he'd write. All his writing meant time consuming hours for me."

Frank: "Are there further questions? We must get on with the next witness."

Frumkin: "No more questions."

Frank: "Dr. Palmerton, you are excused. Thank you for your time."

The next witness was Dr. Russell Getson, a former high school teacher, and now a full professor in the department. Dr. Getson was about 5 feet 9 inches tall, medium build. He was in his late fifties. His hair was almost entirely gray. He wore a well-trimmed beard, also gray. His skin ^{of} had the same kind of pinkish hue found in the face of Nancy Gabalac. The most outstanding characteristic of Dr. Getson was his self-righteousness and bigotry. He had little insight into these characteristics about himself. He was easily crushed when people pointed out to him that he was not perfect, not even mostly perfect.

Frank: "Dr. Getson, will you please introduce yourself to the Hearing Committee and the rest of us?"

Getson: "I'm Dr. Russell Getson. I'm a professor in the Counseling and Personnel Services Education Department. My special area is school counseling."

Schwitzer: "What incident started the friction with the department and Dr. Frumkin? What was the cause?"

Getson: " I believe it had to do with a faculty concern with teaching loads in the area of rehabilitation counseling. There were a lot of allegations with reference to the quality of Dr. Frumkin's teaching."

Schwitter: "Who made the allegations?"

Getson: "The members of the rehabilitation counseling staff."

Frank: "With your permission, Dr. Schwitter, I'd like to turn over the questioning to Dr. Frumkin."

Schwitter: "O.K."

Frumkin: "Are you a member of the Graduate Faculty now, Dr. Getson?"

Getson: "Yes."

Frumkin: "Hasn't there been some question about your status on the Graduate Faculty?"

Getson: "Yes, but it's been changed."

Frumkin: "Why was it changed to associate member status?"

Getson: "Lack of writing, poor publication record."

Frumkin: "Did you ever visit any of my classes?"

Getson: "Yes, two of your classes."

Frumkin: "Two ? Which two?"

Getson: "When I was acting chairman I visited your classes. I remember one of those classes in which you had a speaker from the Seven Steps Program. I thought that speaker and the class was interesting." (emphasis added)

Frumkin: "It says here in charge six that faculty and staff are fearful of me, are afraid of retaliation. Are you afraid for your life?"

Getson: "No."

Schwitter: "Do you feel any others fear violence?"

Getson: "No."

Schwitter: "Has Dr. Frumkin brought any charges against you?"

Getson: "Yes. He brought four charges against me. The first was bigotry."

Schwitter: "Why did he charge you with bigotry?"

Getson: "Because I suggested that he was the least valuable member of the department. I think that was probably one of the reasons for that charge. A second charge was made in a

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letter Dr. Frumkin wrote about 'an unfriendly faculty person' who was helping the University try to get rid of him. I think he meant I was that person. A third charge was that I would probably not get a clean bill of health after a mental health examination by a competent psychotherapist. And there was a fourth charge that suggested that some criminal action might be taken against me or my colleagues."

Schwitter(turning to Bayer): "Is there any slander involved here?"

Bayer: "Not so long as there has been no damage. It's first amendment speech to say to someone that maybe 'you're nuts.'"

Doutt: "Do you consider Dr. Frumkin's charges against you as harassment?"

Getson: "Yes, but I wasn't impaired, I was just sick to the stomach."

Sites: "Just turn this around, do you think that Dr. Frumkin has suffered harassment by other faculty members in the department? Do you think he has been impaired this year in terms of his ability to function because of all the accusations, etc., all those things contained in the big green book? What do you think about this?"

Getson: "He's been asked to substantiate the charges made against people. If that's harassment then he's been harassed. I personally believe that being asked to document charges is not harassment."

Schwitter: "I have no further questions."

Frank: "Dr. Frumkin, do you have any further questions?"

Frumkin: "No."

Frank: "Dr. Getson, you're excused. (After looking at the time) Dr. Frumkin, you have 19 minutes for your summary. What procedures do you want to follow? " (emphasis added)

Frumkin: (to Prof. Frank) "You've been on the phone for at least one minute."

Frank: "O.K., you have 20 minutes because I was on the telephone."

Bayer: "You're a very sympathetic chairman, Prof. Frank."

Frumkin(without any discussion of procedures I began my summation): "On October 16, 1974, I made a formal complaint to the Office for Civil Rights of the U.S. Department of Health, Education, and Welfare, charging the University with discrimination on two grounds: (1) on the religious grounds that I was a practicing Humanist; and (2) on the racial grounds that I was involved with militant Black students on campus. In the RECOMMENDATION AND RATIONALE FOR DISMISSAL, the dismissal

document, more than 60 percent of the documents are dated after October 16, 1974.

With reference to the first charge, 'Unsatisfactory Performance as a Rehabilitation Counseling (SRS) Grant Director,' I think the testimony of Dr. Alan Coogan and Allen Emrich refute the charges against me. If there are any questions about that I'd be glad to answer them.

As far as the second charge, 'Recurring Undocumented and Unproven Charges Against the Faculty,' let's look at charge 2-A, 'Charges of Bigotry.' By bigotry I mean simply extreme bias. This bias was clearly apparent in Dr. Litwack's evaluation of my work during the 1972-73 academic year, which we have already reviewed at these hearings. Dr. Litwack's plagiarizing a thesis shows something about his credibility as well as that of Dr. Sakata who joined in that plagiarism. Dr. Getson's letter to the 1974 Hearing Committee showed his extreme bias, his lack of objectivity in the face of many opposing facts.

On charge 2-B, 'Charges of Misappropriation/ Misuse of Federal Funds,' on this I'd like to submit the travel voucher of Dr. Palmerton for his January, 1970 trip which originally was supposed to have been to study sheltered workshops and about which he here testified he had no interest or expertise in this area. He spent over \$600 of federal monies on that trip. Dr. Palmerton said that he spent three days with our rehabilitation intern at the Rehoboth Beach internship site in August, 1974. I have checked with the intern and his supervisor and found that the total time spent with both---" ((At this point I was interrupted by a young woman who came into the room with a letter addressed to Professor Frank. Bayer quickly remarked: "It's a reprieve from the Governor. He gave you a new contract." There was some laughter and I then continued my summation.))

"As I was saying, the total time Dr. Palmerton spent both with the intern and his supervisor was less than four hours. Both the intern and his supervisor have promised to send me notarized affidavits on this point. These affidavits should be arriving any day now. As far as Dr. Sakata is concerned---" ((The notarized affidavits arrived at my home late that morning and I rushed them over to the Hearing Committee members while they were still in the Hearing room, working on the final report of the Committee. I introduced the affidavits in evidence to support my charge against Dr. Palmerton.))

Doutt(interrupting my summation): "This has to do with your misuse of federal funds?"

Bayer and Frumkin(together): "No!"

Frumkin: "This has to do with the charges I made against Palmerton and Sakata for misusing federal funds. The charges against me was that I made false charges against these men. Is that clear? I'm trying to show that my charges are not false."

Doutt: "I see."

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Frumkin(continuing the summation): "As far as Sakata goes, as you know, he does have a job elsewhere, so that he did go to that convention mainly to seek a new job. Second, it is clear that he plagiarized a student's thesis to help maintain his Graduate Faculty status, that is, full membership status, and I know that he had nothing whatsoever to do with that thesis because I was a co-adviser on it. I feel that the amount of money he spent for his hotel room at the convention in question was not illegal but reflected poor judgment on his part. It was our agreement not to spend more than \$18 for hotel rooms per night. The fact that he spent \$28 per night suggests that he hadn't planned to go to this convention and make reservations ahead of time, as one usually does if he is going for educational or professional reasons, but that it was a last minute thing because his main purpose in attending the convention was to look for and find a new job. He was not on any of the convention programs, nor did he participate in any other aspect of the convention programming. I, therefore, think he was unwise in that case and did misuse our federal grant money for purposes not stipulated in the rules of the grant.

Charge 2-C concerns 'Charges of Lying.' In all my 17 years of college teaching experience and 5 years of full-time research experience, I've never known two persons who lie as much as do Sakata and Palmerton. A good example of Palmerton's lying is the 1974 ANNUAL REPORT TO THE DEAN OF THE COLLEGE, a report in which Palmerton sums up the activities of the Rehabilitative Counseling staff and program for the 1973-74 academic year. I didn't exist in that report and, yet, I contributed more, quantitatively and qualitatively, to that program than both of those guys put together. I have no trouble in saying that they 'are not liars, but damn liars!' I feel comfortable about making that statement. Sakata's biggest lie, among others, is, of course, his being co-author on the plagiarized thesis with which he had absolutely nothing to do with. He also lied when he suggested that I 'stole' a personal document from his file, even though the document was mine as much as his.

As far as the Charge 2-D, 'Charges of Inappropriate Solicitation of Nominations,' from what I understand about research and the past history of the KSU distinguished teaching awards, it is unusual for any nominee to get over five unsolicited nominations and that, in fact, most were three or less. The fact that Dr. Wonderly received something like 50 or 51 nominations could not in all probability have happened by chance. For that reason I suggested that, in all probability, they were solicited. I erred, perhaps, in thinking that the solicitation was done by a couple of Wonderley's colleagues, with or without his knowledge, but I do not think that I erred on the point that some persons or person did in fact solicit nominations and that there was a concerted effort to get this very improbable result. I did apologize to the professors I accused of being involved in that great solicitation effort. They acknowledged, however, that graduate students probably did the solicitation. (emphasis added)

Charge 3, 'Unprofessional Conduct,' subcharge 3-A, 'Student

Harassment,' in all the years I've been teaching, more than 17 years, I have had several thousand students during that time, I've never had a situation like this, like I've had with Nancy Gabalac. I have had clinical experience, I have worked in mental hospitals. I would describe Mrs. Gabalac's letter and her reaction as a classic case of displacement. Displacement is taking a feeling you have toward one person that you can't for some reason express toward that person and putting that feeling on someone else you could feel more comfortable about being the object of your feeling. One of the reasons I wanted a licensed psychotherapist to be here is to bring that out. I suspected that displacement during the fall quarter of 1974 and told Dr. Saltzman that, that that letter just came out of nowhere. She had never met me before and yet she writes this very hostile letter. Why me? I then started asking questions. It was not until about a week ago that I got some real insight into the cause of this displacement. I spoke to a fellow who has been co-teaching a course with her and knows her fairly well. He gave me insight into the hostility she displaced on me. You certainly saw that hostility when she testified on Tuesday. It was evident to everybody. It was so strong that I think that if there were any live plants in this room her hostility would have caused them to wither and die. In August, 1974, Nancy's mother died. Her father is a professor at another university. Her father started dating another woman, a student in one of his classes, a woman much younger than himself and younger than Nancy. Nancy was very upset about this and she couldn't express this hostility toward her father for obvious reasons. I feel that that hostility that she couldn't express toward him was displaced on me. ((The displacement, in my view, became a dramatically veiled defense mechanism in which I, the professor, the man older than Nancy, was cast in the role of the deserting, betraying "adulterous" father. I neglected to point out that the father was believed to have started dating the student before the mother's death, and, therefore, probably, in his daughter's eyes "adulterous" even if he was not sexually involved with the young woman. Following the logic of displacement I would only be seen negatively by Nancy because I had become her father surrogate and I, the father surrogate, had committed many wrongs in her eyes.)) That's my interpretation of her hostility and begins to make sense out of that letter she wrote and her anger at my attempts to understand what was behind her hostility.

I would like to make it clear that I never personally harassed her or intended to harass her. Let me explain. Harassment means continual annoyance of one person by another with the possibility of physical punishment or worse. Before June 10, 1975, the day on which she testified before this Committee, I hadn't seen Mrs. Gabalac or talked with her since October 30, 1974. Is that clear?

Frank: "Would you repeat that please?"

Frumkin: "I hadn't seen or talked to her for a full seven months"

Beer: "What about telephone calls?"

Frumkin: "The calls were made in October of 1974."

Doutt: "How many calls did you make to her?"

Frumkin: "One, maybe two at most. I was trying to arrange a meeting so that we could discuss the letter and what she said on the phone. She said at that time, without allegedly knowing me, that she was afraid to meet with me. To this day I can't understand that. She only knew me in the classroom. Now what makes a person afraid of someone she doesn't know? Except, maybe, what that person might hear elsewhere. I think I know where it's coming from. I think it's coming from Palmerton. Palmerton is her faculty adviser." ((Re-examining this whole issue I think that in addition to a rather obvious case of displacement that there was also another psychological phenomenon taking place in Mrs. Gabalac's behavior. When a person experiences as much hostility as manifested in her behavior, there must be some kind of safety valve to release the pent-up energy produced by the anxiety felt about such hostility. Mrs. Gabalac must have been enraged by her father's behavior with the young woman. She probably would have liked to strike out at him and/or the woman in question. One's rage in a situation like the one described can be camouflaged by inverting it. Thus, Mrs. Gabalac's hostility toward me as a father surrogate becomes projected on me. She then becomes afraid of me because she has inverted her real feelings toward her father. This whole device of projection then becomes an unconscious way of coping with pain and the need for retaliation by denial of one's own intent and rage. Mrs. Gabalac has thus projected her own feelings onto an object (me) leastly likely to expose her and hurt back until her guilt makes it necessary for her to be punished. Hence, she selected a relatively unknown person (me) who appeared docile and she used alleged harassment (punishment for her guilt feelings) as a ritualistic means of penance. Her cries of harassment are, therefore, kinds of smoke screens to hide her hostile feelings. When I stated, at the hearings, that Mrs. Gabalac and I were used and abused by the members of the department intent on dismissing me, I also meant that because of her need for displacement and projection she was unwittingly very available as a co-conspirator to those who needed her testimony and cooperation in getting me dismissed. When Palmerton and Sakata, consequently, announced to their fall, 1974 classes that anyone having any complaints against me should, rather than talking to me about it, write a letter to the department chairman, Mrs. Gabalac was the only person willing and eager to cooperate out of all the students in their classes. The other students in the rehabilitation counseling program flatly refused the Palmerton and Sakata request because they knew what these men were up to. It is in terms of this psychological history and information that it begins to make some sense on how I became Nancy's father surrogate and why her great hostility was, at first, such a mystery to me.)) 1/

Frank: "Dr. Frumkin, can you repeat those dates for me?"

Frumkin: "Yes, gladly. October 30, 1974 was the last time I had contact with her up until June 10, 1975. That is a full seven months. I want to talk about the note I wrote to Nancy on June

1/ It should be emphasized that this is a hypothetical analysis of her behavior. I do not claim that it is necessarily true. It makes some sense to me and might make sense to others as well.

2nd. I'd like to have you all read that note carefully. I don't consider that note harassment. I had heard that she was afraid to testify, that she didn't want to. Knowing something about her displacement and understanding her better, I wanted to reassure her that I would try to be as gentle as I could in cross-examining her." ((I see now that because of her need for projection that my note was an error. What she probably really needed was something in my behavior to justify her projected fear of me so that she could feel less guilty by doing penance through my "mistreatment" of her. My "harassing" letter to Mr. Chereck, therefore, probably did much to decrease her guilt and made it much easier for her to displace and project her feelings toward her father upon me and actually reduce her anxiety to some extent.)) 1/

Frank: "For seven months you didn't have any direct personal contact with her? Is that correct?"

Frumkin: "Yes, that's correct! No writing, speaking, nothing for seven full months. Therefore, the charge of harassment is unfounded."

Doutt: "But you wrote a letter about her during that time that came to her attention. Didn't you?" (emphasis added)

Frumkin: "Yes, I did because people suggested that she might have something to do with the missing boxes."

Doutt: "And called her employer?"

Frumkin: "When I called her employer that was more than seven months ago. My purpose in making that call was only to find out what was going on with her."

Doutt: "What about the June 2nd note?"

Frumkin: "That was a very gentle note. A person, in my clinical experience, who would interpret a note like that as harassment would, in my estimation, not be considered very healthy emotionally. So I feel I have not harassed her. She may feel harassed and annoyed but that's her own responsibility, that's something that comes from her. I didn't show her that personal letter I gave to the registrar. He did that. I consider that a form of harassment of her by him. If he had any sense at all he would have known that it was the kind of thing that would upset anybody. So why did he show it to her if he felt she was already being harassed? Why should he exacerbate the situation by doing that? But he did it anyway."

Doutt: "But why did you write it if you didn't intend to harass her?"

Frumkin: "I hadn't intended the letter for her eyes. I had some suspicions about her. I checked those out and I found I was wrong. And I stated so, O/K. ? I think I've spent enough time on this. If anyone can be dismissed for a situation with

1/ I am indebted to Helen Samberg, friend and social worker, for helpful insights on the matters of displacement and projection as they might have operated in these otherwise mysterious behavior

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one student like that then we are all vulnerable.

As far as 'Faculty Harassment' is concerned, charge 3-B, we haven't begun to deal with this. We haven't called all the faculty in who allegedly have been 'harassed.' It's suggested that there are 'massive charges' against the faculty. There are no 'massive charges!' Which faculty members feel 'harassed' about what? I made a few charges against four colleagues and I've shown these charges are largely justified in terms of the facts. I have been harassed for years. I'll give you an example, a recent one too. My name was excluded from the most recent college catalog. They were so sure I was going to be out that they simply purged me from it. Litwack and others have already liquidated two of the courses I have taught in the past even though these courses are relevant and popular courses. They have also changed some of the required courses I have been teaching into elective courses. Things like that certainly indicate that I'm not wanted around."

Beer: "Are you aware that the current issue of Job-Op (the KSU in-house employment bulletin) lists your job as open?" ((My job was listed in the June, 1975 issue of Job-Op even though I was not yet officially out of the University. The hearings had not even been completed.))

Frumkin: "Yes I am. That shows how confident the department is that I'll be dismissed. If I had been treated fairly by the department I wouldn't have had to defend myself like I'm doing now. If anything, I'm the one who has been harassed continually over the years, and, very severely, especially last fall. The students felt it. There was a kind of chilling effect on them because of this whole business. As far as charge 3-C, 'Solicitation of Nominations,' the only reason I solicited them was because I wanted to have some evaluations of my teaching kept in a safe place outside the department where they wouldn't be conveniently destroyed. During the 1972-73 year when Dr. Litwack gave me a very low general evaluation, I did turn in student evaluations of my teaching and they were very good. He even said so. However, these student evaluations were ignored in his evaluations of that year and now he says I never handed any in. You know from his involvement in plagiarism that he is not beyond lying or cheating. There is no law against solicitation of nominations although it's not considered in the best of taste. I did it because I wanted some evaluations in a safe place. I'd like members of the Hearing Committee to see those nominations. Nobody forced these to write those nominations. I hope you'll get a chance to read them.

With reference to charge 3-D, about Sakata's alleged personal document being 'stolen' from his file, we went over that before and we showed that this is another one of Sakata's big lies. That so-called personal document was not his but ours, mine as much as his. I had as much right to it as he did. I have no trouble with that one. ((I did not "steal it. I borrowed it for about 15 minutes because I had misplaced my copy it, so I had another copy xeroxed for my own files.))

'Refusal to Report Zero Enrollment,' charge 3-E, with

reference to that class I did not make a formal report at the beginning of the quarter but I did tell Dr. Saltzman about the class. I was angry about the situation because I had a zero enrollment (as far as graduate students were concerned; there were actually two undergraduates mistakenly enrolled) and couldn't understand how it happened. As far as making up for that zero enrollment, I never had been given compensatory time for my research and writing, nor did I ever have a graduate assistant in the 8 years I taught at KSU, even though some of my colleagues have had graduate assistants for practically every course they've taught including their little counseling practicums with as little as six students. And even last fall when I had over 40 students in my Philosophy and Principles course I didn't have a graduate assistant."

Schwitzer: "Did you ask for a graduate assistant?"

Frumkin: "I always asked but never got any."

Sites: "You've never had any?"

Frumkin: "Never!"

Beer: "Did Palmerton and Sakata have graduate assistants?"

Frumkin: "All those guys have assistants for practically every class, sometimes even two assistants."

Frank: "Please continue with your summary. Time is running out"

Frumkin: "As far as charge 4, 'False Charges Against the Department,' I have not gotten as much summer school teaching as others in the department, I have been denied raises in salaries for no justifiable reasons when others were getting them automatically. In the past four years I've gotten only an increase of \$300 when all other members of the department received well over \$1000 in raises. In two recent years I didn't receive any raises whatsoever." (emphasis added)

Hartman: "That's right. See this report." (She was referring to my salary schedule from 1967-1975) 1/

Frumkin: "If you don't call that a kind of harassment and depreciation, then I don't know what you can call it. I came up for promotion at least four times. Of course, I didn't have a chance with all that bias. I think part of Dr. Litwack's bias had to do with the fact that early in my employment at KSU Dr. Litwack asked me to co-author an article with him. He had some paper he handed me to look over. I did look it over carefully and felt its methodology and data were very inadequate and maybe that the study should be done over or re-evaluated. I said that unless we do that I'm not going to write up this paper for publication. After that he never asked me again to cooperate with him in any writing. I guess he felt it was a valid study and was hurt by my frank comments."

Schwitzer: "May I ask something I've been trying to find out with so many witnesses? Is this the major original incident which caused the friction?"

Frumkin: "I doubt it. I doubt if anybody other than Dr. Litwack knows about it."

Schwitter: "Frankly, I still can't understand specifically how this mess really started."

Frumkin: "I remember when I first came to the department that there were some comments made about my salary. Because Dr. Wilson supposedly brought me in at a higher salary than almost everybody else at the time, I heard some department members were upset by this. But now I'm the lowest paid member of the department, including some of our assistant professors without tenure. My original salary when I started in 1967 was \$13,800 or thereabouts."

Schwitter: "Your salary in 1967 was perceived as being unfair by the others apparently?"

Frumkin: "At least four people mentioned directly to me that they didn't like the 'high salary' I was making when I started in 1967." ((It should be mentioned that charge 4 was never discussed at the hearings although members of the Hearing Committee voted on it!))

"With reference to charge 5-A, 'Refusal to Submit Teaching Evaluations,' that is a false charge and out of context. As I mentioned before I have submitted evaluations most quarters. I have been at KSU but they have been ignored. For awhile I stopped submitting them because I felt they would not be used. I did that even though I had collected them, and had the Educational Research Bureau do an analysis of the evaluations using their computers for printouts. I simply saved them for future use. During the fall and winter quarters of the 1974-75 academic year I submitted evaluations and you might remember that Dr. Saltzman testified to that fact. So what specific period of time does the charge refer to? The charge on the top of page 8 is, therefore, misleading. Last year I did submit a summary of the teaching evaluation but did not submit the forms for reasons mentioned above. ((At that point I produced a large supermarket bag of teaching evaluation forms completed for all the years I had been teaching at KSU and asked the Committee if they wished to examine them, that is, those which I had not submitted. Some looked the materials over but most simply indicated that I needn't submit all those materials.))

"On charge 5-B about the alleged 'improper submission of grant proposals,' the reason the grant proposal was submitted in the form it was was because I couldn't get the cooperation I needed from the department and the college in order to complete the grant proposal to meet the deadline and, therefore, had to guess about a lot of facts, that is, make estimates. I felt that the lack of cooperation was calculated to make me late enough with the proposal so that I wouldn't get the grant and then they would have an excuse to get rid of me....that is, on the grounds of no money. I consider that the lack of cooperation was a kind of harassment calculated to get rid of me by removing the grant support I had.

As far as 5-C is concerned, rescheduling classes 'without department approval,' I had two students in that class, a research seminar, and I simply rescheduled that class for the convenience of the students. I didn't think a special department meeting was necessary to decide that.

As far as 5-D is concerned, 'There is evidence that Dr. Frumkin has not carried out his Teaching Responsibilities as Scheduled.' I never saw that thing that Palmerton allegedly wrote when he stated he did it. I did, it is true, call a meeting at which they never appeared, that is, Palmerton and Sakata. It wasn't a secret meeting. They were invited but couldn't be reached. Palmerton and Sakata, as student witnesses have pointed out, are not the most available people in the department. As a professional person I don't think I must get permission from my colleagues before I can make a decision. I'm capable of making many decisions without their help. I consider that on this charge and others, the insistence that I must get approval to act on routine issues is contrary to what might be expected of a professional person. I regard such insistence and the related charges as a kind of harassment aimed at demeaning and demoralizing me.

On the matter of the so-called 'Departmental Concerns,' that is, charge 6, let me look at them one by one. Charge 6-A is about dating bureau activity. In my Community Resources class in 1970 I mentioned that service once in the context of services for single people. That was the only time I ever discussed that service in class. As far as 6-B, xeroxing my divorce notice, if that is not first-class trivia I don't know what is. I have proof that I xeroxed those three notices with my own 15 cents. I did that xeroxing on the main library's machine. You'll notice that the paper the library uses is quite different than that of the Education Building Printing Services."

Beer: "I don't think we need that."

Frumkin: "Yes you do! That is a charge against me, as trivial as it is, and I want to make sure you know that even that desperately conceived charge is false. As far as charge 6-C, asking inappropriate questions on a follow-up questionnaire, if you look at the questionnaire you can see that I said very specifically that the respondent need not answer any question he feels is too personal and/or that he simply doesn't want to answer. So what is the charge against me? Isn't this another trivial charge?"

As far as charge 6-D is concerned, the so-called 'Link Case,' there is no case. Miss Link is still taking that course with me. She has stated that she's satisfied the way things are going."

Frank: "She did tell me that things were going satisfactorily, so there is no Link case anymore."

Frumkin: "As far as charge 6-E is concerned, that refers to my memo on the salaries of department members, I got that information from the OAHE office which got that from the KSU Office of Management Information Services. I tried to be as accurate as possible and before distributing the final copy asked each faculty member if there were any corrections and/or additions to be made

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on the memo. Since nobody made any changes I assumed that these figures were correct. I admit in distributing that memo I was poking fun at my colleagues because there is no sense to the salaries in our department in terms of who gets what. I feel my little memo is a rather small response to the 95-page green monster before us. In charge 6-F they say that a large number of students have complained but are afraid to testify. I think that's a, you should pardon the expression, bunch of bullshit. I challenge the department to come up with one student that is really afraid to testify on any grounds that have any validity at all. That's one thing I pride myself on over the years, more than 17 years of college teaching, and that is that I've always gotten along well with students, that students have always felt comfortable in coming to me when they had problems because I was accessible and that I listened to their problems and helped them.

As far as 6-G is concerned, I don't understand that business about fear of retaliation and I wanted to call every member of the department and ask about that but we haven't had time to do that.

So, in conclusion, there are numerous charges and one of them is exploitation of students for private purposes. I have never done this but some of my colleagues do this. That I know I feel I have been more responsive to student needs than, perhaps, anyone in the whole department. I think that's why when the Black Student Caucus was formed, they made me an honorary member. They trusted me and felt comfortable with me. There's been a suggestion that I've been irresponsible to the University. That too I think is very false. I've always worked very hard for the University in terms of its highest ideals and in terms of what I understand as the purposes of a university. And I've worked much harder for those ideals than most people in my department both in terms of my university service and in terms of my contributions to the community. I've given many talks in the community, been on the WKNT (local radio) show called 'Insight,' etc. I think the charges I've made against some of my colleagues have been reasonable criticisms made with very great restraint. I think there's substance to those charges and my criticisms. During the eleventh hour, some of my colleagues have volunteered statements concerning my work here. For example, I have a letter here from psychologist Dr. Clyde Hendrick, and one from educational administration, Dr. Evert Wallenfeldt. I have a letter from Dr. Milton Wilson, the Dean of Human Relations, a letter dictated from a hospital bed where Dr. Wilson is convalescing from a serious illness. I also have a letter from the Director of the Model Cities Program in Akron, Mr. Willie Owens. I'd like to read his letter to you---" ((As I started to look at this letter, I was overcome with the most profound sense of grief. It was almost like hearing one's own obituary. I started breathing heavily, trying to hold the tears back but couldn't. When others saw what was happening they began making comments as I handed the letters to Mr. Bayer and then I quietly left the room and went to the men's room where I had a good, long overdue cry which was a great relief to me. It was about five minutes or so before I returned. While I was gone, however, the conversation continued and was picked up on the tape recording. That is included below and begins just before I left the room with tears streaming down my face.))

Schwitter: "I would suggest we put these letters in our file."

Bayer: "Yes. That's a good idea. Why don't you just give me a minute. I'd like to sum it all up."

Frank: "O.K."

Bayer: "Folks, we have here a puritanical Dr. Frumkin. When you read the letter from Dr. Wilson, the Dean of Human Relations, you see that Dr. Frumkin has a strictness about himself and others that puts him into conflict with them. That's why he sees a \$500 voucher as defrauding the government. He leads a simple life and actually he is a stern person. He finds himself with two others and they have friction. That's really the whole ballgame. You find the friction developing in which he goes off the deep end and says statements that are inappropriate and even incorrect. There's no question that what he did on one or two or three occasions is simply improper. Sending a letter to the F.B.I. is just ridiculous. The letter to the registrar is---"

Doutt(interrupting): "If we return him to the department will he stop it?"

Bayer: "Oh, that's what I'm suggesting. Since we have here a reaction to a horrible pressure of some years standing, which no one could remain level under that pressure, we must begin to see things in context. I would be sick if my name was left out of the catalog, probably the most proofread thing in the world. So he concluded, correctly or incorrectly, but with plenty of support, that they were out to get him. Once you get that feeling, there's no limit to your finding support in every unconnected fact. But the fault is his partly, and mostly those who couldn't tolerate a different drummer. He's a different kind of person. He's more liberal. Now, he's a teacher and the students like him. That happens to be the essence ---the essence of all our careers is what we do with our students. Against that you have the absurd episode with Nancy Gabala that you can't call typical. And yet it added another argument for those who had been after him since 1971. That it ended in the most absurd reaction on his part calls for a reprimand. He should not be taken away from KSU until he has been reprimanded. Now that's my suggestion."

Schwitter: "May ask something?"

Bayer: "Yes."

Schwitter: "How do you explain a whole department acting so irrationally? The question is: how can they live together if he's returned to the department?"

Bayer: "Palmerton is here but Sakata is gone. Palmerton has interests in college counseling. Maybe Dr. Frumkin will be the one, since the students like him, who carries on"

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the rehabilitation counseling program. But that's not really the job of the Committee. What this Committee has to ask itself: is it an impeachable or dismissable offense, as Dr. Beer says, writing a letter, having an argument? I submit that it's part of human freedom to even talk foolish. It's part of human freedom to write a letter that's unwise and there's remedy for a person who has been slandered and it shouldn't be the remedy of professional extinction. I have the same repugnance or revulsion at some of things seen as you have. But the job here is that we have a teacher with tenure. Anyone of us can get a little pixilated, and those incidents are sometimes made into movies like MR. CHIPS, and thereis some pixilation that's charming and some that's revolting but a teacher who is a good teacher may be reprimanded but shouldn't be the victim of this uncorrected conspiracy. These men were out to get this man and the fact that he also reacted in an inappropriate manner must be traced to the provocation. Can you say that a reprimand is proper? Why not? Certainly in our concept of justice there should be some kind of warning, some kind of notice, instead of the draconian remedy being sought. So I ask you without defending every act of Dr. Frumkin to recognize that first of all he's a teacher. That's uncontradictable. I think you can properly separate professional teaching and an inappropriate friction among colleagues that could be resolved in other ways. That's why we have an ombudsman. I wouldn't want and don't think you should allow one or two letters, the registrar letter and the FBI letter, to become the basis for a tragedy. Any responsible administrator who received a letter like the registrar did has a responsibility to squelch it. He chose not to. That was inappropriate on his part. That letter shouldn't be focused on so heavil. People sometimes get hysterical. You shouldn't fire a person for an act of hysteria. You can look at the positive side. Look at Dean Wilson's letter. Look even at the chairman of the department letter, Dr. Saltzman's letter. Dr. Saltzman wrote a complimentary letter about Dr. Frumkin's class he visited. He stated, among other things, that 'you organized it well, it was interesting, you knew your students,' etc. You're asked to extinguish a professional where a reprimand would be sufficient. That's my suggestion. (emphasis added) l/

Doutt: "Do you think his pattern of conduct would change? Do you think his behavior would change with a reprimand?"

Bayer: "Sure! However, the reprimand must go to the members of his department as well as him because they were the stimulus for his response. The department should be very reluctant to make unanimous votes, unanimous votes all the time against a guy four years in a row with never charging cause, and using hypocritical arguments about no money. I think it could work. ((At that point I returned to the Hearing Committee hearing room and heard Bayer in the process of ending his summation.)) I think he's passive. They're made because he's not there. They're made because he's not in his office. Of course---" (emphasis added)

Frumkin (this irresponsible statement by Bayer upset me. He obviously didn't know me very well and he was beginning to sound like my most biased enemies. I, therefore, interrupted him, and began to wonder what he might have said in my absence.) "Who's not in his office?"

l/ Bayer had a number of criminal cases in which he did much plea bargaining. He was obviously plea bargaining with the Committee

Bayer: "Well, Palmerton says...That means he wasn't even with them."

Frumkin: "That's not true!"

Bayer: "They were looking for him to fight with and maybe it wasn't true. I think the reprimand should go both ways. This man should be told what he mustn't write anymore. Namely, all complaints should go up through the chain of communication within the University until resolved, and that within the faculty, his colleagues should be told that he's a good teacher and should accentuate that rather than crucifying him. If you change the stimulus, you change the reaction."

Frumkin: "If I had been treated fairly none of this stuff would have happened, would have to happen."

Bayer: "That would be the positive thinking. That's all I have to say. Thank you very much."

Frank: "The time is now 10:55 A.M. and the hearing is officially adjourned at this point. We'll have a three minute recess and continue into executive session."

That was the end of two weeks of hearings, twenty hours of attempting to get some justice, to defend myself against those out to destroy me. I thanked Bayer for his help as he rushed out of the building and back to Cleveland. As I walked out into the sunshine, into the parking lot with just a few cars parked in what seemed like a South-western ghost town, I noticed a figure of a young man leaning against the hood of my VW squareback. As I approached the car I noticed that it was Vincent La Quidari, one of the students who testified at the hearings.

I said to Vince: "What are you doing here? I thought you went back to Syracuse ? Aren't you finished with exams? Is anything wrong?"

With great concern written on his sensitive, somewhat anxious face he said: "Nothing's wrong, Bob. I just wanted to know how things went."

"It's all over now," I said. "Things went fine. Thanks

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for thinking about me."

I was deeply touched by this concern shown by Vince. I tried to give him a little hug to show my appreciation but as I reached out to him, he quickly turned away and jogged briskly out of the parking lot, saying "So long" as he disappeared behind the bushes surrounding the lot.

As I drove away in my VW squareback I wondered what was going on with the members of the Hearing Committee. I wondered what kinds of decisions they would reach. I wondered what kind of report they would write. Would they recommend that I be dismissed, reprimanded, or that I be retained on the Kent State University faculty? Within a week I would know the answers to these questions.
