

267

Chapter 16. THE HEARING COMMITTEE'S REPORT AND THE
PRESIDENT'S RECOMMENDATION

After 216 official person(man) hours of work the KSU Faculty Hearing Committee wrote a report which was presented to President Olds. The report briefly stated what the charges against me were, how the Committee viewed the charges in the light of the hearings, and finally their conclusions and recommendations. Unofficially, the chairperson of the Committee, Professor Frank, stated that he and other members put in many more hours than those official 36 hours the six members of the Committee spent together. That is, each individual member did much more work in addition to their 36 hours together, especially the chairperson.

Translated into the average number of hours a professor teaches in the classroom in a quarter (that is, between 10-14 hrs./week), a reasonable estimate would be that the workload of the Committee was equivalent to two full-time professors teaching a whole quarter (school term at KSU). Since the average salary of full professors at KSU is about \$8000 per quarter, the services of the members of the Committee might well be valued at about \$ 16,000. That is a lot of valuable time, energy, and money invested in the hearings.

The Committee's five-page report, addressed to President Olds, and dated June 16, 1975, is presented unabridged (with misspellings, etc.):

The Hearing Committee for Dr. Robert M. Frumkin received its charge from the Chairperson of the Faculty Senate and

a book of charges and particulars from the Department of Counseling and Personnel Services Education. The committee met on nine occasions for a total of 36 hours during which 17 (sic) witnesses were heard. The committee concentrated first and foremost on the gathering of information pertinent to the charges.

It was mistifying(sic) that this disturbing situation could develop in a department of Counseling and Personnel Services Education, and it appears to be an indictment, not only of Dr. Frumkin, but of the entire faculty of the department as well. (emphasis added) The committee found no evidence of how or when the conflict began, but for every act perpetrated(sic), there appeared to be a counter action that precipitated not only a subsequent act, but which developed a mental perception that compelled each side to retaliate.

The "Recommendation and Rationale for Dismissal of Dr. Robert Frumkin" cites valid and serious charges against Professor Frumkin:

1. The handling of the H.E.W. Grant

For a number of reasons, Dr. Frumkin appears incapable of administering a grant, but we find none of these reasons sufficient for dismissal, even those which might lead to civil action against him.

2. Faculty harassment

Faculty harassment by Dr. Frumkin appears to have been motivated by acts, whether real or imagined, against him. Dr. Frumkin feels he is no longer a "full member" of the department. That the department made attempts to reconcile this matter is recognized by the committee; however, when one has been asked on at least two prior occasions, the first in 1971, to resign, it is not difficult for Dr. Frumkin to feel that motives are suspect relative to any subsequent "help offered by the department."

3. Student harassment

There is only one student who claims harassment, and the history leading up to this alleged harassment includes possible colleagues remarks to graduate students, a last minute change in teacher assignment, a poor selection of teaching materials and a student who was more up to date than the instructor in a specific subject area. None of these appears to be grounds for dismissal, in spite of the fact that violations of the faculty code of ethics have been noted by the committee. Dr. Frumkin was in serious error when he pursued and continued this affair by investigating

269

the student and making unprofessional remarks based on unfounded information. In context, he appears to have reacted in this manner because he perceived this student as an active participant in his removal from the department.

Other charges are so insignificant as to be highly suspect in their listing in a document for dismissal. (emphasis added)

The committee has the following comments relative to the specific charges:

Charge 1A, Sub-section a,b,c,d and e, plus 1B shows evidence of mismanagement of grant funds. Such mismanagement is not sufficient for separation, but should result in removal of Dr. Frumkin from management of this grant, and he should not be involved with managing or administering grants. He should be reprimanded for mismanagement in the sense of not recognizing sensitive areas where careful decision making is needed and failing to cooperate with other administrators. (emphasis added)

Charges numbered 2A,B,C and D indicate that Dr. Frumkin did violate Article III, Section 6 and Article IV, Section 5 of the Faculty Code of Ethics. It should be noted that these violations seemed to have been made in an emotionally charged atmosphere.

Charge 3A,B,C and E are valid and show evidence of violation of Article I, Section 2,4,5 and 14; Article III, Section 1 and 2 and Article IV, Section 5 of the Faculty Code of Ethics. Each of these taken individually would not seem to be cause for dismissal, but they reveal a pattern which is of concern to the committee. (emphasis added)

Charge 4 : The committee did not find sufficient evidence to discount or substantiate these alleged charges. It seems that administrative and interpersonal interactions with Dr. Frumkin occurred at a traumatic time.

In regard to all charges listed under 5, the committee notes that Dr. Frumkin seems consistently to disregard policies and procedures of the department. However, these charges do not seem major in nature. (emphasis added)

In regard to charge number 6, Dr. Frumkin's written and verbal actions, such as disparaging remarks which seem to inspire fear, his distribution of notices and posting materials is evidence of disappointing behavior. This behavior reveals poor judgment and a low level of professional and academic conduct.

By a majority vote, the committee finds adequate, valid and serious evidence stipulated in the charges to recommend that Dr. Frumkin be dismissed. However, there is consensus within the committee to request that the president not dismiss Dr. Frumkin. The reason for this is that the committee feels that strong leadership at all levels and appropriate supportive measures would provide for mutual understanding and adjustment of all concerned. This process should be undertaken to assist Dr. Frumkin to become again a contributing member of the department. Further, this process should be undertaken to assist the department to incorporate Dr. Frumkin into its effective functioning.

Questions asked and Results of Voting:

- 1. Is there evidence to support dismissal? Yes - 4, No - 1.
- 2. Should Dr. Frumkin be dismissed ? Yes - 2, No - 3.

Appendix: Minority Report, Committee Meetings, List of Witnesses, Committee Members, Observers

Minority Report

The minority concurs with the finding of the majority in that it requests retention of Professor Frumkin. The minority finds the charges contained in the "Recommendation and Rationale for Dismissal" insufficient to warrant such extreme action. While it unequivocally deplores Professor Frumkin's violations of the Faculty Code, it holds that his actions must be viewed in a larger context of departmental hostility. Furthermore, the minority finds evidence that Professor Frumkin makes a positive contribution to the university as a publishing scholar and classroom teacher.

Committee Meetings

Friday, May 16	Senate Office	11:00-12:30
Thursday, May 22	333 McGilvrey	2:30- 5:10
Friday, May 30	483 BSA	3:00- 5:00
Saturday, May 31	483 BSA	9:00- 6:10
Saturday, June 7	483 BSA	8:00-12:30
Tuesday, June 10	483 BSA	10:00- 4:00
Thursday, June 12	483 BSA	8:00- 3:10
Thursday, June 12	111 Lowry Hall	8:30-11:00p
Monday, June 16	483 BSA	8:30-10:30

In addition, considerable outside time was used by the committee for studying and evaluating documents, and the chairman expended considerable extra time with the mechanics and organization of the hearing procedure.

Witnesses(in order of appearance)

Saturday, May 31 Alan Coogan, Allen Emrich, Gordon Keller

271

Robert Alfonso, Glenn Saltzman, Robert Sakata

Saturday, June 7 Keith Palmerton, Larry Litwack

Tuesday, June 10 Herb Chereck, Nancy Gabalac, Joyce Babits, Vincent Laquidari, Michael White, Vincent DeVivo

Thursday, June 12 Jere Sitko, Keith Palmerton, Russell Getson

Committee Members

Barrett L. Beer, Assoc. Prof., History
John T. Douth, Prof., Administrative Sciences
Betty G. Hartman, Prof., Physical Education (Women's)
Joseph P. Schwitter, Prof., Administrative Sciences
Glenn W. Frank, Prof., Geology, Committee Chairman
Paul L. Sites, Prof., Sociology, alternate

Observers

Allen Adler, Attorney General's Office
Ray D. Heisey, Faculty Ombudsman
Harold Kitner, KSUFA
Byron Lander, KSUFA
Frank Smith, KSUFA

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The most amazing thing about the Hearing Committee Report is its lack of impartiality, its glaring omissions, its obvious antithetical and contradictory statements, and its being utterly destitute of the professional and especially professorial touch which one might expect in a university.

If that statement seems a bit harsh, then let me explain. The Hearing Committee was composed of tenured professors of full or associate rank. Actually five of the six persons on the committee had professorial rank and only one was an associate professor. These persons were supposed to be "distinguished faculty" who would look at my case with more intelligence, objectivity, and

sensitivity than one might expect of an ordinary randomly selected jury assembled to examine a case in an American court of law.

The purpose of the Hearing Committee was stated to be threefold(see the May 6,1975 letter to me from Dr. Olds^{1/}):

- "1. Receive and consider all fact in evidence on the matter.
- 2. Issue a finding.
- 3. Forward its finding and recommendation to the President of the University."

On page 1 of the Report it states:"The 'Recommendation and Rationale for Dismissal of Dr. Robert Frumkin' cites valid and serious charges against Professor Frumkin." That is an erroneous, misleading, biased statement because THE RECOMMENDATION AND RATIONALE FOR DISMISSAL OF DR. ROBERT FRUMKIN does not cite charges against me. It merely presents charges against me. In order to "cite" charges the CPSE department would have had to bring forward strong evidence to support its charges. This was not done. Furthermore, those charges are not "valid" because they were not validated in that big green book nor could any of them be considered "serious" because there is nowhere in the ACADEMIC POLICY BOOK of KSU or in the FACULTY CODE OF ETHICS of KSU statements which defines what kind of behavior is "serious" and "not serious." Nowhere in the POLICY BOOK or FACULTY CODE are particular sanctions such as dismissal, warning, or reprimand mentioned for particular kinds of behavior. All the Hearing Committee could objectively report is that the RECOMMENDATION AND RATIONALE FOR DISMISSAL presented charges against me. The Committee became irresponsible

1/ See Dr. Olds' letter on pages 91-95.

when it stated, without qualification, that the RECOMMENDATION AND RATIONALE FOR DISMISSAL "cites valid and serious charges against Professor Frumkin."

On page 1 of the Report the Hearing Committee introduces what it considered the three major charges against me. These introductions are also biased statements. Thus the Report states with reference to the handling of the HEW grant that "For a number of reasons, Dr. Frumkin appears incapable of administering a grant, but we find none of these reasons sufficient for dismissal, even those which might lead to civil action against him." The bias comes out in such language as "Dr. Frumkin appears incapable of administering a grant." That biased indictment ignores both the letter of Dr. James W. McGrath, Dean of the Graduate School, and the testimony of the grant accountant Allen Emrich. The former wrote a letter, introduced in evidence at the hearings, which congratulated me on obtaining and administering the HEW grant. Dr. McGrath stated in that September 11, 1974 letter: "We have been informed by the Department of Health, Education and Welfare that you have been awarded a grant for the training proposal which you submitted. I congratulate you on the award recognizing that, in addition to the financial advantages, this award represents a recognition at the national level of your capabilities and hence brings credit both to you and to the University." (emphasis added) The latter, who had worked closely

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with me for almost two years, testified at the hearings that my working relationship with him was good, that my paperwork connected with the grant was satisfactory, and that there had been no problems during this period of our relationship.

The Hearing Committee Report suggests that some civil action could ^{have} be taken against me for the way in which I administered the grant. If so, these civil laws I allegedly broke were never specified. What is the Hearing Committee referring to? In a Kafkaesque way they have presented a judgment against me without ever indicating what the implied violation was.

Most importantly, the Committee neglected to mention the very important fact that I volunteered for the position of grant director because nobody else wanted the job which was regarded as a headache by the former grant director, Dr. Keith Palmerton. I accepted the grant directorship because I felt that the Rehabilitation Counseling Program might die if we stopped getting federal funds which supported faculty, student trainees, and special aspects of the program. The fact that the Committee chose to ignore these important points demonstrates that the majority of the Committee members were extremely biased against me and/or were a part of the conspiracy intent on removing me from the University.

The second major charge introduced is subtitled "Faculty harassment." It does not state in that heading who harassed whom. Even though the evidence presented at

the hearings demonstrated that I had been the person most harassed over the years, the Hearing Committee suggested that I had been the one allegedly doing most of the harassing. I strongly object to this kind of bias. In the strict sense of the term harass means to continuously, actively annoy another person. To harass often carries with it the possibility of physical harm or worse, e.g., "terrorists nightly harassed the border communities near the Northern border of the country." At no time in my relations with my colleagues did there exist the possibility of physical harm or worse even though some persons expressed such a fear. The strongest term that might be used with some accuracy is, perhaps, the term bother. Bother suggests repeated, deliberate annoyances intended to disturb. Even bother is somehow inappropriate. I had struggled for a redress of the wrongs committed against me. Many of my colleagues were annoyed by this struggle and defined it as "harassment."

If there was any harassment taking place during the time I was employed at KSU and in which I was in any way associated with, it was that behavior addressed toward me between March and July, 1975. During that period more than \$1200 worth of my books, journals, research data and very valuable, irreplaceable materials connected with long-term research projects, etc., were stolen from CPSE department facilities where they had been stored and the department chairperson and the Dean of the College didn't lift a finger to try and stop it or make inquiries as to who was

doing this. Only a person interested in serious research knows the full extent of the anguish experienced on the occasion of the loss of materials taking many years of hard work to produce. An independent investigation of this matter by myself strongly suggested that the only person with the keys, the opportunity, and possible motivation to steal those materials from me would be one or more of my colleagues in the CPSE department. It is most significant that in the main room where this stealing took place three other colleagues also had boxes of personal material mixed in with mine and that none of their labelled boxes were disturbed! All boxes had been clearly marked with the owners names on them. If the stealing had been indiscriminate than all four of us would have suffered losses. Over a period of five months I was the only person who had materials stolen. I would call this covered-up behavior as a kind of plaguing action that had an almost demoniacal insistence about it. In the main storage place for my boxes of belongings I had had 44 boxes of materials at the beginning of March, 1975. What seemed like every other day there would be another box missing so that by July, 1975, there had been only 16 boxes left. It was not until July that the suspects were narrowed down to one person and even then the person responsible was so clever that he was never caught in the act or left any usable evidence which would prove this months of tormenting me. That whole business come close to what we might mean by bona fide harassment.

The third major charge introduced was that of "Student harassment." First of all, in the strict sense of the term harassment, I did not harass that student although she was disturbed by my behavior as I was disturbed by hers. The personal feelings of harassment which the student felt were generated, ^{in large part,} by her own perception of what was going on between us and with other people with whom she had had contact in the CPSE department. She was never continually annoyed by me based on my continually annoying her. The conflict between the student and myself culminated in a meeting between her, myself, and Dr. Saltzman, CPSE chairperson, on October 30, 1974^{1/}. Between October 30, 1974 and May 1, 1975 I had absolutely nothing whatever to do with her ---six whole months. It is, therefore, irresponsible for the Hearing Committee to state that I harassed that student. It is also irresponsible of them to state that I violated the Faculty Code of Ethics because there was never any evidence presented which could support such a conclusion. And it is most irresponsible in neglecting to point out that it was the unprofessional and unethical behavior of the KSU Registrar who exacerbated the student's feeling of being harassed by showing her a confidential letter which was not intended for her and which he refused to return to me after he was asked to do so.

The point of all this discussion thus far is that the Hearing Committee introduction to the three major

 1/ See Appendix **A**, pages .

charges was presented in such a biased, irresponsible manner that the rest of the Report is difficult to look at without being negatively influenced. The innuendos are laced so well into the statements that the total fabric presents a picture of a person incapable of managing a grant even though he was capably managing that grant for 18 full months prior to the charges made against him, against whom civil action might be taken even though no grounds existed for such action, a person guilty of harassing colleagues even though no harassment took place, a person guilty of harassing one student even though no harassment took place with regard to her, a person guilty of violating the Faculty Code of Ethics even though the specific behavior which constitutes such violations have never been spelled out.

The statement ending those introductions to the major charges is a very interesting statement because it could very well apply to the three major charges examined above. That statement is: "Other charges are so insignificant as to be highly suspect in their listing in a document for dismissal."

The next item the Report takes up is the specific charges. In this section it makes comments on specific charges whereas in the introduction to the three major charges, stated in a general way, the remarks were only about the nature of these charges.

Charge 1 was " Unsatisfactory Performance as a

Rehabilitation Counseling (SRS) Grant Director." Charge 1 has 6 subsections. The Hearing Committee concluded that all the subsections "show" mismanagement of grant funds, and indicate "removal" of me as grant director. These conclusions found in the Green Monster were, it seems, adopted by the Hearing Committee in spite of the evidence to the contrary presented at the hearings. For example, one charge against me was Charge 1A-c, which was that I made charges against Professors Palmerton and Sakata which were allegedly "false and without merit." At the hearings I showed that there was evidence to support my charges against them, yet the Hearing Committee insists that all the charges show mismanagement of grant funds. In spite of this blanket conclusion the Hearing Committee recommended that I be "reprimanded for mismanagement" and, therefore, not dismissed.

The only thing that the Hearing Committee could say about Charge 2 and its subsections, "Recurring Un-documented and Unproven Charges against Faculty Members" is that my alleged "violations seemed to have been made in an emotionally charged atmosphere." They, therefore, do not indicate whether the charges warrant dismissal, reprimand, or any other punitive measure.

Charge 3 and its subsections are entitled "Un-professional Conduct." The Hearing Committee concluded that all except one of the 5 subsections of this charge are valid and show evidence of violation of the Faculty

280

Code of Ethics. In spite of this, the Hearing Committee states that "Each of these taken individually would not seem to be cause for dismissal, but they revealed a pattern which is of concern to the committee." The one section the Committee found invalid was the one which Dr. Olds in our meeting on April 9, 1975 found very serious, namely, the charge 3-D, the charge that I allegedly "secured a personal document from Dr. Sakata and widely distributed it."

Charge 4 was entitled "False Charges against the Department." On this charge the Hearing Committee "did not find sufficient evidence to discount or substantiate these alleged charges." That is an interesting statement because the Hearing Committee never dealt with this particular charge at the hearings.

Charge 5 and its subsections was entitled "Violations of University and/or Departmental Policy." The Committee concluded that "these charges do not seem to be major in nature."

Charge 6 and its subsections are entitled "Departmental Concerns." The Hearing Committee concluded that the behaviors alluded to are "evidence of disappointing behavior."

In all these remarks the Hearing Committee does not state that any of the charges warrant dismissal. In fact, they state that Charges 1 and 3 definitely do not warrant dismissal. They fail to comment about dismissal relative to the other charges. However, you might

remember that other than the three so-called major charges, the Hearing Committee stated that the "Other charges are so insignificant as to be highly suspect in their listing in a document on dismissal."

Putting these conclusions by the Hearing Committee together, taking into account that they regarded the major charges of "Faculty harassment" and "Student harassment" as no cause for dismissal and the major charge on "The Handling of the HEW Grant" as warranting at best, only a reprimand, the Hearing Committee, in actuality, concluded that there was no charge among the six charges against me warranting dismissal. That is, the Hearing Committee, in reality, reached this conclusion prior to another conclusion they reached after discussing the specific charges.

Immediately after the Hearing Committee completed those conclusions which I reviewed above, for reasons beyond my comprehension, they then came up with the following non sequitur: "By a majority vote, the committee finds adequate, valid and serious evidence stipulated in the charges to recommend that Dr. Frumkin be dismissed." This non-sequitur was reached in spite of the fact that on pages 1-3 of the original Report there are conclusions everywhere that indicate that there is no just cause for dismissal. The most severe punishment suggested anywhere is a "reprimand" in connection with the management of the grant. What is going on here? How does the Hearing Committee laboriously

282

come to the conclusion that none of the six charges against me warrant dismissal but that one warrants, at most, a reprimand, and then vote 4-1 that "adequate, valid and serious evidence stipulated in the charges ...recommend that Dr. Frumkin be dismissed"? As an applied psychologist, having had much experience working with the mentally ill, I can state that the kind of thinking manifested in the Report is rather schizoid in character and demands further scrutiny.

In contrast to the obvious confusion in the Hearing Committee's dealing with the charges against me, there are relatively clearer, more accurate statements made about the Committee's perception of the state of the CPSE department and the reasons they think I should not be dismissed. Thus, on page 1 of the Report it states that: "It was mistifying(sic) that this disturbing situation could develop in a department of Counseling and Personnel Services Education, and it appears to be an indictment, not only of Dr. Frumkin, but of the entire faculty of the department as well. The committee found no evidence of how or when the conflict began but for every act perpetrated(sic) there appeared to be a counter action(sic) that precipitated not only a subsequent act, but which developed a mental perception that compelled each side to retaliate." (emphasis added)

On page 3, in spite of the Hearing Committee

finding by a majority vote that there are "adequate, valid and serious evidence stipulated in the charges to recommend that Dr. Frumkin be dismissed," it goes on to say: "However, there is consensus within the committee to request that the president not dismiss Dr. Frumkin. The reason for this is that the committee feels that strong leadership at all levels and appropriate supportive measures would provide mutual understanding and adjustment of all concerned."

In essence, therefore, the Hearing Committee has indicted the CPSE department and charged it with retaliatory behavior unbecoming to a department dedicated to training helping professionals, and of aggravating an emotionally charged atmosphere. However, taking an attitude of forgiveness and mercy, it has not recommended abolishment of the department or of me. Rather it "feels that strong leadership at all levels and appropriate supportive measures would provide for mutual understanding and adjustment of all concerned." The Committee thus recommends reconciliation rather than liquidation of the department and/or of me.

The Hearing Committee answered two questions. The first question was : "1. Is there evidence to support dismissal? " The vote was: 4 - Yes and 1- No. The problem with this question is that it is a poor and misleading question because evidence and dismissal are like apples and pigs. They are different things even though they may appear together on the same table.

284

Evidence in this case must be related to the charges. Questions concerning evidence are scientific questions. Dismissal in this case relates to a value judgment, a decision about the meaning of the evidence. Thus, the second question, "Should Dr. Frumkin be dismissed?" is actually the same kind of question as question 1. It is a valid judgment kind of question. Thus, the first question should have read: "Is there evidence to support the charges?" This question was not really asked in any clear fashion by the Hearing Committee, and, hence, might have led to the schizoid nature of the Report. It might have occurred, although this was not the case, that the evidence supported all of the charges against me and that still none of the charges were considered serious enough to warrant dismissal. Actually a careful reading of the Hearing Committee Report leads any objective observer to conclude that the Committee felt that none of the charges were serious enough to warrant more than a reprimand.

On page 4 is a Minority Report. It was written by one member of the Hearing Committee. The Minority Report states that: "The minority concurs with the finding of the majority in that it requests the retention of Professor Frumkin. The minority finds the charges contained in the "Recommendation and Rationale for Dismissal" insufficient to warrant such extreme action. While it unequivocally deplores Professor Frumkin's

violations of the Faculty Code, it holds that his actions must be viewed in a larger context of departmental hostility. Furthermore, the minority finds that Professor Frumkin makes a positive contribution to the university as a publishing scholar and classroom teacher." The Minority Report is the only balanced, although far from perfect, relatively objective statement in the whole Report because it begins to put the whole case in some perspective.

The errors of omission in the Hearing Committee Report are extremely significant. First, no statement is made about the fact that:

1. Two persons on the Hearing Committee were cited by me for serious bias on the second day of the hearings and yet were not replaced, as requested. One of those persons happened to be the Hearing Committee chairperson.
2. That of the 44 witnesses requested that only 16 were called before the Committee, that is, only a little more than one-third of them.
3. Of the 16 witnesses called only 6 were friendly toward me and my cause.
4. Not all of the charges were discussed at the hearings.
5. New, emotionally charged allegations were added to the original charges and were introduced at the hearings.
6. I was put in the position of being my own attorney and did not have the benefit of a professional attorney acting in my defense. My attorney was prevented from carrying his full potential functions as my advocate.

- 286
7. None of the positive exhibits introduced as evidence at the hearings were mentioned in the Report or sent to Dr. Olds with the Report.
 8. The very significant letters written about the hearings by special faculty observers at the hearings, namely, those letters written by Dr. Frank Smith from the AAUP, by Dr. Byron Lander from KSUFA, and by Dr. Ray Heisey, faculty ombudsman, were ignored in the Report and did not accompany the Report to President Olds.
 9. The general attitude of the majority of the Hearing Committee was one of "Let's get it all over with as quickly as possible because we go on vacation on June 14, 1975." Expediency rather than a quest for justice seemed to be the modus operandi.

On June 30, 1975 Dr. Glenn Olds, President of KSU, addressed a letter to the KSU Board of Trustees with his recommendation that at their next meeting (July 17, 1975) that they dismiss me. The letter, in its entirety, read as follows:

The case of Dr. Robert Frumkin's dismissal for cause has now been heard by a Special Hearing Committee appointed jointly by myself and the Executive Committee of the Faculty Senate.

The original charges of (1) inadequate performance as a faculty member and as a Federal grant administrator, (2) unprofessional and unethical behavior, and (3) violation of Departmental, Collegial, and University policy, along with the specifications were made by unanimous action of the departmental Executive Committee. It was unanimously endorsed by the College of Education Executive Committee and passed on to Dean Alfonso who added his endorsement. Then it received the endorsement of the Provost and came to me.

I examined the charges, and in light of the charges brought and subsequent occurrences, a written attack on Mrs. Nancy Gabalac, a student, and verbal threat before his class to kill Dr. Alan Coogan, I determined that there were, in the words of the Academic Policy Book, "prima facie" reasons for Dr. Frumkin's dismissal.

Dr. Frumkin then requested a hearing. The hearing was conducted in accordance with University policy, lasted some 36 hours spread over several weeks, and the Committee made their finding, which is attached.

I append, in historic order, the materials summarized above for background to your decision. It is still my feeling, and I believe my conclusion is supported by the findings, that Dr. Frumkin should be dismissed. I respectfully recommend that the Board take action on this matter. (emphasis added)

Somewhat like the Hearing Committee Report, the President's letter is manifested by a lack of impartiality, of glaring omissions, and any semblance of a quest for justice.

In his recommendation he added new charges: (1) "a written attack on Mrs. Gabalac;" (2) "a verbal threat before his class to kill Dr. Alan Coogan." (emphasis added) Dr. Olds neglected to state that these new charges were devoid of validity and that they were not formal charges against me. He neglected to mention that in the case of Mrs. Gabalac that one of his administrative staff members acted in an unprofessional and unethical way when he gave Mrs. Gabalac a personal letter unintended for her. He also neglected to point out that the alleged threat "to kill Dr. Coogan" by no stretch of the imagination, could be interpreted as a real, bona fide threat, otherwise it could have been actionable in the courts and constituted moral turpitude for which dismissal would have been a simple

matter. By adding these charges, Dr. Olds contaminated the minds of most of the Board of Trustees members thereby encouraging their adoption of his recommendation.

There are many major errors as well as a few minor errors in the President's letter to the Board. First of all, speaking of minor errors, the Hearing Committee was appointed not by the President and the Executive Committee of the Faculty Senate but by the President and the Chairperson of the Faculty Senate. Secondly, the hearing lasted 20 hours and not 36 hours, and they were spread over less than two weeks rather than several weeks.

The most serious major errors were errors of omission. The major errors of commission, the Gabalac and Coogan charges, were already discussed. The most serious charge against Dr. Olds is that he presented the Board with only those documents which were calculated to aid in getting me dismissed and totally ignored and suppressed any materials which could have led to any favorable attitudes no less actions in my behalf. He violated the spirit of due process by not making the 20 hours of hearing tapes or transcription of those tapes available to the Board members before their July 17, 1975 meeting. That was more than a violation of due process. It was a violation of the University's contention that my dismissal hearings were professional hearings in which objectivity and open-mindedness would prevail. Dr. Olds' letter demonstrated contempt not only for the due process guaranteed by the CONSTITUTION but also contempt for the attitudes of objectivity and open-mindedness for which American universities profess their allegiance. He

289

showed his absolute contempt for the KSU faculty by ignoring the hard work and sacrifices of the Hearing Committee, as representatives of the entire faculty, by rejecting their more than 216 person(man) hours of effort to seek a just and equitable recommendation in my case, and by not insisting on seeing ^{all of} the letters of the faculty observers who made their observations known to the Hearing Committee. Although those letters were withheld from President Olds by the Hearing Committee chairperson, one of the observers who found out that his letter was not sent to President Olds, personally saw to it that his letter reached Dr. Olds. That observer was the responsible Dr. Frank Smith of the AAUP. Dr. Smith's letter made some of the following crucial points which were ignored by Dr. Olds:

1. In relation to the charges against me, Dr. Smith asked: "Can a mountain be made out of a collection of hills and mole hills?" He pointed out what the Catholic Church's position on sin is: "a lot of venial sins do not make a mortal sin."
2. In relation to the CPSE department's allegation that I was unprofessional in making charges against my colleagues, Dr. Smith stated that if the charges I made had some validity, and the evidence presented seemed to support that idea, "If this be so, do not the charges made by Dr. Frumkin have some validity and if they have some validity how can they be unprofessional?"

The Hearing Committee chairperson did not even send

Dr. Olds the observations and recommendations of the Faculty Ombudsman, Dr. Ray Heisey. And Dr. Olds never requested those observations from Dr. Heisey, even though the purpose of the Faculty Ombudsman was precisely that of working toward the closest, positive working relations between faculty and administration.

Obviously, a man as prejudiced and closed-minded as Dr. Olds was not about to pay attention to the Hearing Committee or any of the faculty observers who commented on the hearings. If Dr. Olds had not been so intent on getting me dismissed, he would have realized that the 4-1 vote by the Hearing Committee supporting the idea that there is "evidence" for dismissal is a vote that is nonsense. It is nonsense because, as stated before, evidence concerns the matter of fact whereas dismissal is a matter of value judgment, of philosophy on, in this case, what is justice. Thus, for example, the facts might substantiate that Professor X committed plagiarism but whether Professor X should be dismissed for that behavior is another question, a matter which can be dealt with in many different ways.

The other question, "Should Dr. Frumkin be dismissed?" is a legitimate value question. The Hearing Committee voted 3-2 that I not be dismissed.

Dr. Olds, being consistent in his bias and intent, never mentioned the fact that the Hearing Committee voted that I not be dismissed and the Hearing Committee stated in their Report that "there is consensus within the

committee that the president not dismiss Dr. Frumkin."

I never had received a copy of Dr. Olds' June 30, 1975 letter to the KSU Board of Trustees until July 11, 1975, and then only after I had requested a copy of it. Of course, he did not send me a copy of the enclosures which he sent along to the Board. On July 17, 1975, the Board of Trustees members were to decide whether I was to be dismissed or be retained on the faculty. My attorney and I had requested some time at that meeting to address the Board and some time was set aside for that purpose. July 17, 1975 had become a critical day in my life.
