

292

Chapter 17. THE KSU BOARD OF TRUSTEES MEETING: THURSDAY,  
JULY 17, 1975

In a letter to my attorney, Eugene Bayer, Dr. Olds said that the Board of Trustees would <sup>give</sup> us "15-20 minutes for any summary statement" we wish to make to them. That July 8, 1975 letter said that "This agenda item comes at the end of the recommendations from the Academic Affairs Committee and should be about 10:30 A.M."

When I had heard that Dr. Olds had recommended that the Board dismiss me, on July 9, 1975 I wrote a letter to him requesting that he send me a statement about the basis for his recommendation. Dr. Olds never responded to this request.

In the meantime, however, all the observers to the hearings between May 31, 1975 and June 12, 1975, when they learned of Dr. Olds' recommendation to the Board that I be dismissed, wrote letters to Dr. Olds urging that since he rejected the Hearing Committee's recommendation that I be retained on the faculty that he has, according to the AAUP policy on academic freedom and tenure, the obligation to state his reasons in writing to the Hearing Committee and to me and provide an opportunity for response. This procedure was strongly urged by Dr. Ray Heisey, Faculty Ombudsman, and by Dr. Frank Smith, Chairperson of KSU's AAUP Committee A, the Committee on Academic Freedom and Tenure.

Professor Harold Kitner and Dr. Byron Lander of KSUFA made an even stronger statement and recommendation directly to the members of the Board of Trustees with a copy to Dr. Olds. Their letter, dated July 12, 1975, to the Board read as follows:

The Kent State University Faculty Association (KSUFA) Executive Committee has authorized the following statement be sent to you in respect to your forthcoming action regarding Dr. Robert Frumkin.

As Kent State University and its officials are committed by tradition and actions to the concepts of due process and fair treatment of faculty members, we strongly support the retention of Dr. Robert Frumkin as a tenured member for the following reasons:

1. The duly constituted Hearing Committee recommended Dr. Frumkin be retained as a tenured faculty member. The 3 to 2 vote in favor of his retention was further strengthened by the Hearing Committee statement: "... there is consensus within the Committee 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..."

This Hearing Committee was appointed by the appropriate administrative and faculty officials and heard and studied the evidence in detail. Fairness would indicate that faculty recommendations on dismissal of a tenured faculty member should not be ignored.

2. The Hearing Committee made its recommendation even though there is evidence some generally accepted standards of due process and fairness may not have been followed in the hearing. Some examples include the limited role that Dr. Frumkin's attorney was permitted to play at the hearing, allegations of bias against the Committee Chairman and possible lack of warning before charges were brought. In addition we are concerned with possible failure to follow all American Association of University Professors (AAUP) guidelines for procedures in dismissal cases.

Our organization is particularly concerned with due process in this case because the setting of a precedent could limit the rights of other individuals in the future.

294

We will continue to work for these rights by various appropriate and legal methods.

In conclusion, we urge a decision in conformance with the Hearing Committee recommendation that Dr. Frumkin be retained.

President Olds totally ignored the recommendations of the Hearing Committee, the Faculty Ombudsman, the AAUP, KSUFA, and my attorney. Against AAUP policy and the recommendations of his own faculty who had put in hundreds of person (man) hours on my case, he adamantly held to his recommendation to the Board that I be dismissed.

Knowing full well that Dr. Olds was not only adamant in his position of not reconsidering his recommendation but also that he had the members of the Board of Trustees well under his control, I wondered what I or my attorney could possibly say to the Board that might lead them to pay any attention to the fact that Dr. Olds' recommendation is a denial of the right of faculty to participate in important decisions concerning their welfare and puts the administration in direct conflict with the faculty.

The weather on the morning of July 17, 1975 was very hot. The Board was holding its meeting, as usual, in the Governance Chambers on the second floor of the huge KSU Student Center. Summer school was in session. The large parking lot near the Center was in full use and students, faculty, and staff showed by their presence that life was really bustling on the campus.

295

The Governance Chambers is a large amphitheater type of room. At its center there was a rectangular table around which the members of the Board, a parliamentarian leader(unidentified), and Dr. Olds, and a presidential aide sat. In the tiers of seats around the central space sat faculty, staff, students, reporters, and anyone interested in attending the meeting. The Board meetings were open, public meetings generally. Although I arrived at the Governance Chambers at 10:15 A.M., it wasn't until 12:30 P.M. that the matter of my dismissal was presented to the Board members by Dr. Olds. I wondered if this change in the previously announced agenda was made in order to intimidate Bayer and me and to lose many observers to lunch and other commitments.

While there were nine members on the Board of Trustees, only seven of them were present at the time my dismissal was finally dealt with. Those nine members were five Republican appointees: Robert Baumgardner(Chairman), Robert Stopher, William Taylor, Robert Tschantz, M.D., and William M. Williams; and four Democratic appointees: James Fleming, M.D., Robert Blakemore, George Janik, and Joyce Quirk. The two members absent at the time my dismissal was being considered were Robert Blakemore and William Williams.

One of the interesting items of business discussed by the Board prior to the discussion of my dismissal was the matter of whether or not Dr. Olds should receive an

296

increase in salary. After a short discussion the Board voted unanimously to give Dr. Olds a \$5000 increase, from \$ 50,000 to \$55,000 per year. The fact that Dr. Olds' new salary was higher than that of the Governor of the State of Ohio made the morning headlines in all area newspapers. Dr. Olds beamed like a king when he heard the parliamentary leader announce that his \$5000 raise was approved unanimously by the Board.

While waiting patiently for our presentation before the Board, my attorney and I had a chance to polish up our remarks we had planned to present to the Board. Finally the moment we were waiting for came and the Board meeting parliamentary spoke:

"Glenn, do you want to introduce the next subject?"

President Olds: " Yes, Mr. Chairman. I apologize to Dr. Frumkin and his counsel, Mr. Bayer, for running this so late on the agenda. We realize that some may have to leave because of other commitments. However, I believe, in the light of the proposed agenda that there will be adequate time for the presentation. I draw attention to the Board briefly the history that brings this item before you as an extraordinary consideration and unusual in the normal procedure as to academic policy. It represents the culmination of a considerable history which I mention but briefly to provide the appropriate setting for Dr. Frumkin's remarks to the Board. On the 12th of March of this year, and in accord with University policy, the Counseling and Personnel Services Education Department of the College of Education of which Dr. Frumkin is a member voted unanimously for his dismissal. According to policy, the grounds for such dismissal must be made explicit and be made available directly to the person involved. The Board has had in hand the considerable documentation of these grounds, but for the purpose of our hearing today I simply make you mindful that there were six specific grounds that were alleged: 1. Unsatisfactory Performance as a Grant

297

Director. 2. Recurring and Undocumented Charges Against Faculty Members of the Department which included charges of bigotry, misappropriation of funds, lying, etc. 3. Unprofessional Conduct which involved faculty and student harassment. 4. False Charges Against the Department which were a bit reminiscent of item 2. 5. Violation of University and/or Departmental Policy which were specified charges in the particular. And finally, 6. An Array of Departmental Concerns which I think are best gathered up under the general proposition of a variety of concerns on personal department.

On March 21st, and I make it plain to the Board that the matter comes to us today not as a question of Administration versus Faculty but actually as the result of and the initiative of colleagues and peer groups on the faculty with respect to the recommendations before the Board today, Dean Alfonso, in line with policy, reviewed the recommendation of both the Department and the Executive Committee of the College of Education and on the 21st of March concurred in the recommendation and further specified that the personal rights of Dr. Frumkin had not in any way been violated in the due process accorded up to that point.

On the 31st of March, and in line with policy, Dr. Snyder, our Executive Vice-President and Provost similarly, thoroughly reviewed the allegations and recommendation and concurred. In accord with policy, and in response to a request by Dr. Frumkin, on the 9th of April, I agreed to see Dr. Frumkin to hear his comments with respect to the charges and I suggested it be done in the presence of Dr. Heisey, our Faculty Ombudsman, and that informal conference was so conducted. In accord with University policy, I reviewed both the material before me and the recommendations of the successive bodies and assessed the response informally to be sure of Dr. Frumkin's point of view in my conference with him and on the 12th of April, in accord with policy, I indicated to Dr. Frumkin that I reviewed the allegations and that I did find prima facie grounds for the charges alleged and for his dismissal and that, in accord with policy, if he wished to appeal that judgment I would work with the Executive Committee of the Faculty Senate to appoint an impartial Hearing Committee for the purpose of hearing his appeal to the action that had been recommended.

On April 16th Dr. Frumkin replied with certain specific requests regarding the hearing. On the 18th of April I phoned to tell him I was in receipt of his request and that the hearing was no longer simply in my hands but would need to be worked out with the Hearing Committee as appointed by the joint action of the President and the Executive Committee of the Faculty Senate and that I would make efforts to try to be responsive to the reasonable elements of the request with regard to such a hearing. And this was done.

295

On the 21st of April I replied to Dr. Frumkin, assuring him that the full hearing would be held, that we would work out the matters of negotiation, but that I preferred to leave the initiative of clarification of those conditions with his own peer group, the faculty and the Executive Committee of the Faculty Senate. Accordingly, and in cooperation with them, there was some discussion between Dr. Frumkin's counsel and the Chairman of the Faculty Senate and an effort made to develop the charge to the Hearing Committee and the conditions for the hearings, responsive to both University policy and to common practice and to Dr. Frumkin's concern, for instance, as explained to Dr. Frumkin, we will go beyond policy which permits two, I'm not familiar with the legal term, two challenges, to make it clear that I did not appoint anyone on the Hearing Committee unacceptable to Dr. Frumkin as an objective person, and it was so ordered. The charge which was issued to the Committee was, and I quote ' To hear the appeal by Dr. Frumkin that a prima facie case for his dismissal has been shown.' 1/ On the 16th of June I received the report which is in your hands as you will know, of the Hearing Committee; I quote, because in the letter I passed on to you from Dr. Frumkin challenging the validity of some of my resume, I quote the report that indicates that 'the committee met on nine occasions for a total of 36 hours during which 17 witnesses were heard,' and, as the Board will know, by a majority vote of 4-1 the committee finds adequate, valid and serious evidence stipulated in the charges to recommend that Dr. Frumkin be dismissed. But , in addition, the Committee went on to comment on judgment and indicated by a vote of 3-2 that they invoked, if you will, clemency on the part of the President in handling the charge and, therefore, recommended 3-2 that Dr. Frumkin not be dismissed.

On June 30th a request was made by Dr. Frumkin through his counsel that he be permitted to appear before the Board today as it considers the recommendation of the President and I go further to acknowledge that I passed on to the Board, as you well know, a letter from Dr. Frank Smith, Chairman of the AAUP Committee A, drawing attention to a paragraph in the AAUP policy which has to do with the possible referral back to hearing of my recommendation to the Board. I have a comparable letter from Dr. Ray Heisey. And on July 12th I have a letter signed by Professors Lander and Kitner in behalf of the KSU Faculty Association, further referring to the second phase of the report of the committee.

The Board will know and I want this to be clear to Dr. Frumkin, that I did weigh the report of the Hearing Committee. I did weigh my earlier conference with Dr. Frumkin and all of the materials of relevance. I did presume that

1/ See Appendix , pages . That quotation by Dr.

Olds was very incomplete. The charge of the Committee was to:  
"1. Receive and consider all facts in evidence on the matter.  
2. Issue a finding. 3. Forward its finding and recommendation to the President of the University." (emphasis added)

the charge of the Hearing Committee was to determine whether there were in fact grounds for dismissal and I found their vote 4-1 on that matter convincing evidence that the Hearing Committee did concur that there were 'adequate, valid and serious evidence to support the charges.' I did not ask the Hearing Committee to instruct the President with respect to the kind of action possible but it was within the scope of the Hearing Committee to make whatever other counseling comments they wish to make to me and through me to the Board, which I have passed on to the Board.

My own review and assessment of their report and of the circumstances which surround it, led me to make the recommendation to the Board today, that in the light of this succession of hearings and judgments, I am fully persuaded that Dr. Frumkin's rights have in no way been deprecated; that due process has been observed through the process and for that reason I have recommended that the recommendation of his department and the concurring bodies be sustained. But I further acknowledge that Dr. Frumkin and his counsel should have every right to be heard directly by the Board without any interpolation through me. I would like to introduce Dr. Frumkin now so that he might use the time at his disposal to make whatever comments he would want to make directly to the Board. Dr. Frumkin and his counsel, Mr. Bayer." (emphasis added)

Generally speaking, I would be described as a rather tranquil person. Dr. Olds' twisting and distortion of the truth, however, set on fire my sense of justice to a point where, now called upon to defend my whole academic life then and for the future, I was ready to and addressed the Board and all present as an Athenian orator might have done.

Frumkin: "I first address myself to the Faculty Hearing Committee Report dated June 16, 1975. When I read that Report I have the very uneasy feeling that I am reading something from Orwell's 1984. Why did we have 20 hours of hearings? Why did we invest so many person-hours of labor for a Report which seems unable to ascertain the validity of the evidence presented? How is it possible that on pages 2 and 3 of the Report it can be stated that, in essence, every single charge except number 4, which was never discussed, has some validity? The relevant



300

empirical evidence presented shows that not a single charge discussed has any validity. How four out of five members of the Committee can honestly state that there is evidence to support dismissal is beyond my comprehension. Where is the evidence? I used to teach a course in Social Research. Those four members would have earned solid Fs, and I'm not liberal in terms of giving out Fs, I give them out reluctantly, if I judged their work with the same criteria I would have judged the work of students handing in research papers in that course. Page 3 of that Report recommends that measures be undertaken to assist Dr. Frumkin to become again a contributing member of the department. I emphasize again for this reason. I do not understand this statement at all. When did I stop becoming a contributing member of the department? Who brought close to \$95,000 in federal funds for the department in the past two years? Who was it who helped seven colleagues get published, four of them for the first time? Who assumed the coordinatorship of the rehabilitation counseling grant when nobody else wanted it and some were even willing to let the rehabilitation counseling grant and the program die? Who was it who helped more than a dozen students get published for the first time? Who was it who helped three faculty colleagues gain Graduate Faculty status, promotions, salary raises, etc., because of their data-based publications which I wrote? On all of these matters and more I contributed these things to our department. So I ask: when did I stop contributing?

The fact that 11 of my departmental colleagues, the 6 members of the College of Education Executive Committee, the Dean of the College of Education, the Provost and Assistant Provost, and the President of KSU, some 21 people in all, unanimously endorsed the charges in the 95-page book of charges does not mean those charges are valid. What makes any charge valid is the relevant empirical evidence. There is not a single charge concerning which there is evidence that objective, reasonable persons could judge as valid.

So what is all the fuss about? The fuss, I think, has to do with the fact that I'm a kind of gadfly, an iconoclast, a maverick, a kind of free spirit in our department. I believe that criticism is the life-blood of science and democracy, and I offer it freely because I feel that that kind of openness can keep us free, can permit us the space in which to grow, to realize our potentialities. My colleagues do not like my openness. While my religious orientation is, what I'm talking about is in terms of real behavior, humanistic, theirs is extremely Procrustean. They are afraid of the truth. They have converted their fears of the truth into intolerance and prejudice toward me. That is why, I feel, they want to get rid of me.

301

If the Board has the wisdom to reject the proposed dismissal and retain me on the KSU faculty, the only kind of reinstatement I will consider just is that in which there is a redress of the grievances I presented back in October, 1974. That means that I shall only deem reinstatement just if it includes a promotion, substantial raise in salary, summer school assignments equivalent to other staff members in our department, and graduate assistants assigned to my classes on an equal basis with other faculty.

That is what I ask. Anything less will, by necessity, result in a quest for redress in the courts.

And now I'd like to have my attorney make a statement."

Eugene Bayer, my attorney since 1966, stood eager and ready with his husky, stentorian voice. Also a relatively tranquil person, he too was stirred up by the distorted and disdainful remarks of Dr. Olds.

Bayer: "Members of the Board, needless to say, Dr. Frumkin's statement was his own wish, and, in retrospect, I think it's nice and proper that you realize the passion with which he defends himself. I suppose this is the one occasion when you are asked to go deeper than the superficial evidence of monumental work which you must and properly endorse. That's the function of the Board. I've been impressed the way your Board carries out its functions. But this case has within it professional and scholarly and administrative implications which I just don't think were present in the other things with which you dealt. I disagree with the President's preoccupation with a repetition of the idea that we kept giving him his rights, when really.....Well, that reminds me of a Western movie when they used to have switch justice and some villain would say 'O.K., we've got to hang him,' and then someone would say 'No, he has to have due process. Let's give him a trial and then we'll hang him.' That's what I think has happened here.

From the day that Dr. Frumkin's enemies compiled this ((pointing to the Green Monster)) batch of highly insignificant, in large part, material, it was considered prima facie evidence. Prima facie means on the face of it. And that's all Dr. Olds ever said, that it is prima facie evidence. And then it was given to a Hearing Committee to determine the evidence. And they did and they should not be dismissed lightly because then I disagree with Dr. Olds it will become and is, at this moment, a conflict between the administration and faculty because,

302

over the objections of the procedure which was inadequate, this Committee of five professors, chosen by the Faculty Senate and the President and limited by them with a rule that the attorney must remain silent and silently advise his client, in spite of that objection, in spite of the fact that on the second day of the hearings I objected to two people sitting there any longer because one already told me that he was convinced my client was guilty and the other's conduct was so patently prejudicial that I objected to their remaining, and I hope I'm right in that those two people were the one who voted against Dr. Frumkin remaining on the faculty because that proves to me their prejudice was properly suspected, in spite of that you have the unanimous recommendation from the Committee of Dr. Frumkin's peers that he be retained. Now it's right there. It's absolutely right there in the report. The Committee starts by saying that this book ((the Green Monster)) is an indictment of the department because on that Committee were some very sound professors who are full professors of administrative science in the Business College. And you could just see the horror with which they were called upon to observe the chaos in this department, the projection of personalities, the conspiratorial conduct, the low level castigation of Dr. Frumkin and what I call the conspiracy to get him. Here you have a Committee that tells Dr. Olds and now you that this ((pointing to the Green Monster)) is an indictment of the department. And they describe the charges as insignificant, other than the first three which they say do not lead to justified dismissal. I don't know why this is not satisfactory to all but it clearly, for our purposes, is proper to raise before you the fact that this report says that the handling of the grant is not grounds for dismissal and they explain why, and the student harassment, one student out of 1000 in his 8 years at Kent State, cannot be the basis for crucifying a person who has tenure, which is otherwise known as a continuing appointment. The other charges they say are insignificant.

Now, the vote 3-2 left a minority and the minority stated on page 4 that 'The minority concurs with the findings of the majority in that it requests retention of Professor Frumkin' and then it goes on to say he's a positive contributor to the University as a 'publishing scholar and classroom teacher.' So we ask you today not to accept Dr. Olds' recommendation, knowing full well that you cannot have all the information necessary to reject it completely, overrule this recommendation, and reinstate Dr. Frumkin at this moment, but we think there are enough caution signals apparent in what you have before you, and what I'm trying to underline that you must not, in fairness and in your duty to the University, allow this record as you see it, full of accusations against a professor, members of a department, to go uninvestigated lest an injustice take place.

Our position is that Dr. Olds' recommendation remains prima facie. It remains his conclusion when he started and remains his conclusion when he saw it a second time. I doubt, he didn't say, whether he reviewed or heard the 20 hours of evidence. He remains a prima facie prejudiced adherent of those who would like to get rid of Dr. Frumkin. And, in his letter to you, he simply says I still have the same opinion. He chooses not to discuss with you how he differs from the Committee that he and the Faculty Senate appointed.

I hope some of you got this letter I sent. Some did. The AAUP chapter on this campus states that in a case like this that if Dr. Olds doesn't like what the Committee says he should return to the Hearing Committee and maintain the colloquy so that more truth can be determined. And if the Board concludes that it would like to support Dr. Olds in his recommendation, then the Board, by AAUP standards, is encouraged to return to the Hearing Committee so that there is the closest kind of unity on this campus rather than a course of action which rides roughshod over the Hearing Committee, the doctor, the AAUP, and KSUFA, which stand opposed to endorsing Dr. Olds' action.

Now, first and foremost, Dr. Frumkin is a teacher. It was said earlier that students are our prime concern. Not the one in 1000 that was quite sophisticated and quite abrupt and quite premature, the person who came to one class and wrote an indictment of her professor. That was in one course and then attended the other course for two classes and then combined the accusations that he was no good. A mature woman, father a professor, husband a political functionary, obviously geared up to get Dr. Frumkin, either in terms of her own motivation or in concert. In any case, an abnormal reaction of any student after one or two sessions. Because of the unusual nature of the student's letter Dr. Frumkin tried to find out what was going on and made inquiries.

Those students who came to the hearings testified that they learned much from him. They testified that his teaching technique was innovative and liberal. They testified that in the field of counseling and rehabilitation that he had access to the community resources with which they were trained. In one case a graduate testified that he got a job, was doing well, and he loved Dr. Frumkin. Well, that should be considered. You've got a teacher that the students like....I don't say that's the only standard but that's another caution that you shouldn't get rid of a faculty member that the students come to defend.

And now I turn to what we call the conspiracy and what resulted in the indictment of the entire department. For some reason a few members in that department didn't like

300  
him. There's reason to believe that part of it was jealousy because he came with a higher salary than some of them had. He was a writer. As a writer he has written 20 articles---

Frumkin:(( interrupting for clarification)): "Twenty, no. Over 200."

Bayer: "Well, I don't mean as a lifetime but since he's been here at KSU. As a productive scholar he excels every one else in the department. He has more and better quality publications than all of the other members put together. And he is a co-author with them and they admitted he got them to write. When he came they hadn't written, hadn't been published. Perhaps, I can't say that for everyone on all scores but two or three of them admitted that they hadn't published until he came and then he and they wrote articles that got published. They got up in the world and that could be a sort of reason but we couldn't really find out the reason. But it's your job to find out whether neurosis, jealousy, or some lower form of activity is involved and what appears to be, at best, prima facie proof against Dr. Frumkin. And it isn't just the defender but the Hearing Committee itself which has called this to your attention. He's included in CONTEMPORARY AUTHORS, AMERICAN MEN OF SCIENCE, WHO'S WHO IN THE UNITED STATES, INTERNATIONAL SCHOLARS DIRECTORY, MEN OF ACHIEVEMENT, and this was even brought out by the Hearing Committee in their recommendation that he shouldn't be dismissed.

He was here in 1971, two years after tenure, when he was told to quit. He didn't quit. But some of them didn't like him so in 1973 they developed a theory which they called 'soft tenure.' They said now you don't have tenure. You've got 'soft tenure' and we're getting rid of you especially if we don't get any more money. So he appealed to this faculty and won unanimously. In 1974, May 8th, 'We find unanimously for Professor Frumkin and against his non-reappointment. Does Mr. Frumkin hold tenure? Yes. Is there soft tenure? No.' So he beat them. They tried to get him on that.

Then August, 1974 came and then they said we're still going to be broke so let's choose two out of three of the rehabilitation counseling staff to remain on the faculty. His two main enemies and he were in the rehabilitation counseling program. So they were told to hold a meeting and decide which two should stay if we ran out of money. So the two voted for each other and he voted for himself. He lost and he got a letter that said he was going. This letter was from Dean Alfonso.

305

Well, there's an undercurrent here because one of those two wants to close the rehabilitation program. Dr. Sakata says our program is no good, we have no respect, we have mediocre students. Anyway Dr. Sakata goes and quits Kent State. Obviously he had no respect for Kent and its program. When Dr. Frumkin found out he said that the 2-1 vote is no longer pertinent. I'm here. And that happened in the winter of this year and that's when they made the green book, because they don't like him and they may now dignify their personal jealousies or whatever it is. I don't expect you to adopt what I think. I suspect that the case against Dr. Frumkin is prima facie. If I'm right we win but we don't want that kind of victory or defeat.

We have a doctor who got tenure from this Board. There is no evidence, even in the prima facie that he doesn't teach his classes. All of it has to do with interpersonal relationships, which we are allowed in this country, as he says to be a gadfly. It's O.K. to be a gadfly. Why do we have to have a University without gadflies? There is no proof that he doesn't teach well. The students, Dean Wilson, and others say he teaches very well. So I ask you to do the following: please recognize with regard to prima facie we've raised a question and that the Hearing Committee said he should be kept. We call attention to the fact that the Hearing Committee regards the department as indicted. We ask you not to overlook that. Somebody now has to decide what's going on in the department lest a miscarriage of justice take place. I hate to give you a burden because I know you're volunteers but an investigation of that department is called for.

Any attorney knows that when the Hearing Committee did not permit Dr. Frumkin to have an active attorney they were putting him in a bad position. And I told Dr. Frumkin to read this statement at one point on June 10, 1975: "Had my attorney been allowed to cross-examine, he would have shown the conspiracy involved here. The consultation between the witnesses and among the witnesses, all calculated to get me discharged. He would have been able to expose to this Committee that the witnesses regularly consulted with each other to gather information and correlate their arguments against me. Since cross-examination is a skill calculated to elicit the inconsistencies, biases, and prejudices in witnesses, I am less than able than my attorney would be to help this Committee find the truth. I'm handicapped because I'm personally involved. It's unfair to expect me in the face of innuendo and open attack to successfully handle my own defense." So there wasn't the protection of Dr. Frumkin's due process rights because he had a silent lawyer with a very loud whisper. That was a handicap. It was ridiculous for the faculty and Dr. Olds to make a rule the Hearing Committee was helpless to change, to prevent me from cross-examining witnesses. That meant that that

306

crucible from which truth is made possible was less hot. And some of those conspirators which hated him for years were just too much for him. Maybe I wouldn't have been able to handle them but that's where you get your rights. If your lawyer fails it's too bad but if your lawyer isn't given a chance to defend then that was a denial of due process.

I'm drawing to a close. Dr. Olds repeats something in his letter to you to the effect that Dr. Frumkin threatened to kill somebody and, therefore, should be dismissed. Well, now Dr. Olds didn't hear that. Somebody told him that. That's hearsay. And it happened. It happened in a moment of anger where a certain man had mistreated Dr. Frumkin and Dr. Frumkin was in a far away place in a class in Akron and the alleged victim was nowhere present talking about him to another person--- 'Oh, your boss, I could kill him!' There is not one of us in this room that hasn't said this about someone at sometime. And in law and in morals that's not a threat to kill. A threat to kill is actionable. You can go to jail if it's coupled with an apparent ability to execute it. Otherwise, it's first amendment speech. And that's what so horrified some people. And was an overreaction. The man is a mild man. And there was no indication before, during, or after the hearings of any real threat. After awhile people came in with these death fears and then some of the better people on the Hearing Committee said to the witnesses, 'Are you afraid of Dr. Frumkin?' The answer was, 'No.' No one is afraid of him physically. He's not that kind of person. But that became another charge ---a slip of the tongue. Regrettable. We've all done it. We're not so proud then we do it. But you don't get fired and you don't get your career terminated when that is allowed to be magnified and repeated everywhere.

The one student is a gigantic issue here and I've already dealt with that. That one student is so extraordinary in her maturity and political context, her sophistication, her father a professor, husband a county prosecutor; she got the best of this man. He couldn't cope with her because she was zinging him with these rather drastic charges. So he began asking: what's wrong? Why is she acting that way? This was called harassment. And he approached her to be his friend. He had never been that rejected by a student in more than 17 years of college teaching.

So I summarize. Here's what we'd like you to do: the man is unemployed. Somebody jumped the gun. On May 29, 1975, somebody published a Board approved list of KSU faculty to be retained. Dr. Frumkin is listed as not reappointed. The hearings hadn't even started. I think this is improper to anticipate on something so vital. What gives them the right to say on May 29, 1975 that Dr. Frumkin is not reappointed? He had tenure. How

307

could the Board do this? Here's what I beg you to do. Put him back to work. Nobody said he can't teach. Nobody said that. Set up a committee to reunite the department, overcome problems. One of the main problems is gone --- Dr. Sakata, one of his main prosecutors. Let him work. Continue the investigation. There's enough here to warrant truth finding. And let his attorney cross-examine, if you do something so that it won't have to go to court and if you do this my client charged two of his witnesses with plagiarism. My client sometimes says things that cannot be proven but this one he proved right there as he sees it and as I saw it. Two of his colleagues lifted parts of a graduate student thesis verbatim and published an article on the basis of that. This was presented before the Hearing Committee and should be looked at. On certain money matters, he had a strong feeling that one of his colleagues took six days to paddle around Chesapeake Bay in a canoe and claim it was to observe a field student. And he charged him with that. My client would like to show you the proof. There's substance to these things. They were both admitted. You have a duty to be responsible to you University and to each and every department. This time it calls for independently monitored truth-finding. To my client I beg you to recognize that he's a tenured professor here and until convicted he should continue working. I thank you."

Parliamentarian: "We thank you. Dr. Olds."

President Olds: "I know the Board desires to go into executive session but there are three matters of fact which it would be irresponsible of me not to call attention to the Board in the public hearing that was just alleged which are not true. The Board should know that in terms of the AAUP policy and the KSU academic policy they do not want to convert a hearing into an adversary court relationship. Accordingly, there is not only no provision for counsel in the legal, traditional sense but I quote item # 5 that 'during the proceedings the faculty member may have an academic adviser or counsel of his own choice.' I went beyond the KSU and AAUP policy to permit the possibility of Dr. Frumkin having a legal counsel present. It was the explicit desire of Dr. Frumkin's colleagues and of the Executive Committee of the Faculty Senate who wished not to have a conventional legal counsel present but what has been characterized, or, I should say caricatured, as presumption on the part of the President in relation to the rights of Dr. Frumkin are in fact an effort to go beyond this and permit Dr. Frumkin legal counsel. I wanted the Board to understand that as a matter of fact.

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Second, I think the Board should know that when I first confronted with the appeal I found prima facie evidence



308

In my letter to the Board, I want it known, contrary to what was suggested here, that I made a personal effort to go considerably beyond the surface in attempting to make an assessment of the evidential matters. Finally, I'm sure the Board will recall that in the report of the Hearing Committee, the Committee did not show unanimity. Indeed with respect to cause the vote was 4- and relative to the matter of not to dismiss the vote was 3-2. Finally, the AAUP, in section # 16, of its statement on dismissal, states that if adequate cause for dismissal has not been established by the evidence in the record it will so report to the president. The Hearing Committee did not bring in that recommendation but just the opposite. They voted 4-1 that there was cause for dismissal. There's nothing that calls for the president to go back to the Hearing Committee when the grounds for dismissal have been convincingly established. It's on that basis that I brought the recommendation to the Board which you have before you."

Parliamentarian: "I think we should adjourn this meeting to executive session now in Room 322 and reconvene here following that meeting."

After about an hour and 45 minutes the Board reconvened and were ready to present their findings and come to some decision concerning my appeal.

Parliamentarian: "The Board is reconvened. We come to item # 9, the resolution concerning Dr. Frumkin. Joyce (Quirk), as chairman of the Academic Affairs Committee, let us now hear from you."

Joyce Quirk(only woman on the Board): "After much discussion and concern with the matter of the recommendation for the dismissal of Dr. Robert M. Frumkin, we have come up with the following resolution:

"Whereas, a recommendation for dismissal of Dr. Robert M. Frumkin, having been initiated by the Chairman of the Department of Counseling and Personnel Services Education, and  
Whereas, 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 against Professor Robert M. Frumkin were made by unanimous action of the Executive Committee of the Department of Counseling and Personnel Services Education, and approved by a vote of 10½ to 1 by the Department, and  
Whereas, these charges were unanimously endorsed

200  
by the Executive Committee of the College of Education, and

Whereas, the Dean of the College of Education concurred in the endorsement of the charges, and  
Whereas, the Executive Vice President and Provost's Office reviewed the charges, and recommended to the President that there 'is at least a prima facie case here for termination of Professor Frumkin's tenured academic appointment....,' and

Whereas, the President, upon examination of the original charges, in light of subsequent occurrences related to the charges, and after a discussion with Professor Frumkin, found that there did exist prima facie grounds for Professor Frumkin's dismissal for cause, and

Whereas, Professor Frumkin requested and was provided opportunity for a hearing before an appeal board, and  
Whereas, a committee of five faculty members appointed pursuant to the provisions of the Academic Policy Book of the Kent State University thereupon proceeded to a full evidentiary hearing with Professor Frumkin present with legal counsel, and

Whereas, said hearing committee did upon conclusion of same find by a vote of four to one that evidence supported dismissal for cause of Professor Frumkin and also recommended that Professor Frumkin not be dismissed by a vote of three to two,

Therefore, be it resolved that the Board of Trustees of Kent State University upon the evidence presented, statements of Professor Frumkin, the reports and recommendations of all parties hereinbefore referred to find that Professor Frumkin has been offered full and complete due process in this cause,

Therefore, be it further resolved that cause does exist for dismissal of Professor Frumkin and said dismissal is hereby approved and made effective July 17, 1975.' "

Parliamentarian: (to Quirk): "Do you so move?"

Quirk: "I so move."

Taylor: "I second the motion."

Parliamentarian: "Any further discussion? No. Let's take a vote. You've heard the motion, What is your pleasure? Baumgardner?"

Baumgardner: "Yes."

Fleming: " No."

Janik: "No."

Quirk: "Yes."

Stopher: "Yes."

Taylor: "Yes."

Schantz: "Yes."

Parliamentarian: "The final result of the vote is: 5 Yes and 2 No. The resolution is carried."

When the final vote was announced to the few remaining spectators in the Governance Chambers, the large crowd having disappeared during the one hour and forty-five minute recess, Bayer turned to me and said: "We'll appeal it, of course. I've got to run. Keep in touch." He was out of sight in minutes.

I felt spent, even numb for a few moments. Then I remembered that I had prepared a packet of information for each of the five area newspapers who sent reporters to this Board of Trustees meeting. My spirit was revived quickly as I spoke to reporters from the DAILY KENT STATER (the KSU student newspaper), the RECORD-COURIER (the Kent-Ravenna community daily), the AKRON BEACON JOURNAL, the CLEVELAND PRESS, and the CLEVELAND PLAIN DEALER. I gave each reporter a packet of materials I thought might be helpful in writing up reports that presented my side as well as the University's side.

As I talked to reporters some of the final moments of the Board meeting kept flashing back in my mind. Most of all I remembered that when Board member Dr. James Fleming, a Black physician from Cleveland, was asked to present his vote on the resolution for my dismissal, he said "No!" with great conviction. That forceful,

stentorian, resonant "No!" kept echoing in my ears as I attempted to complete my meetings with reporters.

While outside of the Governance Chambers and finished talking to reporters I saw Dr. Fleming speaking to the AKRON BEACON JOURNAL's reporter Charles Lally. Lally asked him: "What made you vote against Dr. Frumkin's dismissal when Dr. Olds and the other Board members were so for it?"

Dr. Fleming, a tall, majestic looking man, said with judicial certainty: "There is no evidence to support the charges!"

I wanted to thank Dr. Fleming for saying that. It gave me hope. However, before I could reach him to thank him, he disappeared.

As I walked out of the Student Center into the sunshine, I felt there was hope that eventually there would be justice in this whole matter as long as I continue to believe in our CONSTITUTION and the Jeffersonian heritage and continue my struggle.

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