

Chapter 6. A FORMAL COMPLAINT TO THE OFFICE FOR CIVIL RIGHTS

Since I was not satisfied with the way University avenues for redress were working out I decided that, perhaps, outside resources might be helpful in stopping what seemed like a concerted effort to get rid of me at all costs. As mentioned earlier, I made a formal complaint to the Office for Civil Rights (OCR) of HEW. My letter of complaint, in full, was as follows:

(Note: the letter in full is found on pages 40, 41, 42, and 43 and should be inserted about here)

KENT STATE UNIVERSITY

KENT, OHIO 44242

DEPARTMENT OF GRADUATE
EDUCATION
COUNSELING AND PERSONNEL
SERVICES EDUCATION
(216) 672-2662

October 16, 1974

Ms. Odessa Fellows
Office for Civil Rights
U.S. Dept. of Health, Education, & Welfare
55 Erieview Plaza
Cleveland, Ohio 44114

Dear Ms. Fellows:

In the past couple of years the Kent State University has had financial problems serious enough to justify the removal of a number of untenured faculty. Ever since I've been on the faculty at KSU (March, 1967), I've been on soft money, my salary being paid by a training grant from HEW-SRA (actually for 1974-75, KSU is paying half of my salary and the grant is paying half). Although I've been a member of the Graduate Faculty, more specifically a full member qualified to direct doctoral dissertations, and have been such a full member from the very beginning, and although I received tenure in 1969, this past year because it seemed as if 1973-74 would be the last year that HEW-SRA would provide us with the funding which paid my salary, the University gave me notice that my position at KSU would end on June 15, 1974. Because I have tenure and because I feel I'm doing my job well at KSU, and because I felt the University was using its financial problems and the anticipation of no grant funding my position in 1974-75 as an excuse to get rid of me, I appealed my case before the KSU Faculty Senate.

After reviewing my case, the Faculty Senate Appeals Board unanimously (a five-person group) recommended to Pres. Olds that my non-reappointment be rescinded and further pointed out that the University was in clear violation of its own ACADEMIC POLICY BOOK with regard to my non-reappointment. (See enclosed statement from the Board, 5/8/74)

The University reluctantly accepted the recommendation of the Board. Soon after I was awarded a grant for the 1974-75 academic year, I received a statement from the Dean of the College of Education, namely, Dr. Robert Alfonso, stating that all the members of our department should now take the responsibility of deciding which two of the three members of the Rehabilitation Counseling Program staff should remain on the staff in the future (a nice way of stating which one should go). This request (see July 3, 1974 memo from Dr. Alfonso) was followed by a department meeting on August 27, 1974 in which by a vote of 9½ against 1 it was decided that Dr. Sakata and Dr. Palmerton remain on the staff and that I find employment elsewhere. (See memo from Dr. Saltzman, department chairman, to Dr. Alfonso, dated Aug. 30, 1974)

The vote of 9½ to 1 against me at the Aug. 27th, 1974 meeting was based on the presentation of a very biased and erroneous statement by Dr. Sakata and Dr. Palmerton (see their July 31, 1974 memo to Dr. Saltzman which was passed around to all department members). That statement, entitled REHABILITATION FACULTY RETENTION, is based on a gross distortion of the facts and presentation of lies and the deliberate omission of anything which might make me appear like a competent faculty member. For example, Dr. Sakata & Dr. Palmerton state that I lack the background and the interest to teach the core courses. Since this suggests lack of background relative to their own background, I'd like to point out that qualitatively and quantitatively, my work history in the field of rehabilitation is richer than both of theirs. Sakata had only 2½ yrs. full-time work experience before coming to KSU, all in one kind of setting, namely, agencies for the blind. Palmerton had 6 months work in a school for the blind and less than 2 yrs. as a chaplain in a boy's industrial school, before coming to KSU. By contrast, before I came to KSU, I worked full-time for 2 yrs. for the Ohio Dept. of Mental Hygiene & Correction, 1½ yrs. with an anti-poverty program in Hough (Cleveland), 1 yr. with an agency for the aged, and 6 months with an agency for the blind. I also spent one summer working as a psychiatric social worker in a state mental hospital. Sakata and I also spent 18 months each as medical corpsmen in the US Air Force and Navy respectively. Since coming to KSU I have taught all of the core courses in the rehabilitation counseling program except two. I have also taught a course that nobody else has taught, namely, a course on Sex and the Handicapped. I, therefore, do not understand how Dr. Sakata and Dr. Palmerton have the gall to suggest that I lack the background to teach the core courses. I have never had any lack of interest in teaching the core courses. In fact, since coming to KSU I have done everything I could to better prepare myself to do the best possible job I could in teaching those core courses in the rehabilitation counseling program as well as the core courses in the whole department.

My colleagues state that I ^{have} done virtually nothing at all to add to departmental "unity, strength, or potential growth." Both Dr. Sakata and Dr. Palmerton neglected to mention the fact that I was the "uncooperative" colleague who wrote the research papers which they gladly became "co-authors" of and when they were published they readily used these publications of theirs(?) in order to become full members of the Graduate Faculty with the right to direct doctoral dissertations. They also used these publications of theirs(?) to obtain promotions and pay raises. Their statement concerning my contribution to the department seems to be lacking something, doesn't it?

In the Annual Report of our department, dated July 18, 1974, from Dr. Litwack to Dr. Hart, Dr. Palmerton, in reviewing the productivity of the Rehabilitation Counseling does not mention anything about my contributions during the year. It seems as if I don't even exist, that only he and Dr. Sakata teach courses in the program. (See Page 4 of the Annual Report)

The attached departmental minutes of Jan. 29 and Feb. 3, 1971 show that there was a threat to dismiss me at that time if I didn't resign. This threat followed my being made an honorary member of the Black Student Caucus and my organizing a symposium on "The Kent State Massacre" for the 1971 (April) national meetings of the American Personnel and Guidance Association. As punishment for not resigning I was the only faculty member in the department that received no raise that year.

Relatively speaking, in terms of pay raises and promotions, nobody in the whole College of Education, and certainly in my department, has been treated as unfairly as I have and still remained on the faculty. (See Doc.#32, a record of my salary since coming to KSU).

Dr. Palmerton keeps telling everyone I have no students. He was a bit red-faced when he saw the Fall, 1974 enrollment for our department. (See Sept. 27, 1974 enrollment statement) Well, for the Fall, 1974 quarter Palmerton has 37 students and Sakata has 31. My enrollment is 74, more than both Palmerton and Sakata combined.

Enough of this. Here is my complaint short and simple. I am a Humanist and have been one since 1951. Humanism is my religious orientation, my credo. I believe in justice, brotherhood, and peace and I am against injustice, senseless violence and killing, and all the things which make people enemies to each other. Both inside and outside of the University I have actively worked for these Humanistic ideals. I feel that both my department and the University has punished me for actively supporting these ideals and has either ignored or belittled my real and substantial contributions to my department, the University, the community, and to the many hundreds of students I have significantly helped over the years. And since the University is always crying about its lack of money why does it seem to quickly forget that I helped it get \$ 78,277 in federal monies to support our rehabilitation counseling program in the past two years.* And since the College of Education has been lamenting about its lack of scholars (Dr. Alfonso stated in his first talk to the entire faculty of the college, Sept., 1974, that we need and should support the scholars among us), why doesn't the college recognize that it has such a scholar in me? I have one of the best records of scholarship in the entire University.* When I fought for and with Black students in their struggle to get fair treatment in our department, when I was the only member of our department made an honorary member of the Black Student Caucus, and when I organized and chaired a symposium on "The Kent State Massacre" I made a lot of enemies.

I would like to stay at KSU. I would also like to be treated fairly in the matters of raises, summer school teaching assignments, extension service assignments, promotions, and graduate assistant assignments. I need the help of an agency like yours. Can you help me?

Sincerely,

Robert M. Frumkin

Robert M. Frumkin

My office tel. # is 672-2662;
home # is 678-3258

* See CONTEMPORARY AUTHORS(1970). Have more than 150 publications in professional journals, books, symposia, encyclopedias, etc.

P.S. See more comments on page 4.

See DR. J.W. McGrath's letters about the 1974-75 grant award.

Note: shortly after this letter was sent I received \$15,000 more in federal monies for the rehabilitation program, making the total near to \$ 95,000

Just realized I neglected to make a very basic point which I have never heard mentioned in connection with my case as it relates to the University's lack of funds. In all the discussions about lack of funds there is always something mentioned about cutting down those programs which have the fewest students and the least student interest. It has always been assumed that of the five areas in the department that Rehabilitation Counseling has the fewest students and has generated the least interest. However, the March, 1974 Report of the Admissions Committee of the Counselor Education Dept. (see attachment) that the Rehabilitation Counseling Program, since March, 1971 has had more applicants screened for admission than any other program in the department, and School Psychology has had one-fourth the number of applicants. Since 1966, Rehabilitation Counseling has had 291 masters graduates but School Psychology only 72. In 1973 Rehab. Counseling had 24 masters graduates and School Psychology only 9. Therefore, if the University is serious about the money pinch it seems that the School Psychology staff (they have three staff members) should be the one to be cut and not the Rehabilitation Counseling staff. This matter should be thoroughly investigated.

Another point. In the Spring, 1972, I organized and chaired the department's Second Annual Conference on Racism in cooperation with members of the Black Student Caucus. Again in 1972 I was the only one who didn't get a pay raise and was threatened again with dismissal if I didn't resign.

About one month later, on November 15, 1974 I wrote a follow-up letter to the Office for Civil Rights. In that letter I stated that "The harassment against me has been relentless ever since ^{the} August 27, 1974 department meeting in which my fate was decided by my colleagues. Since the beginning of the Fall Quarter I have had three visits by department faculty to my classes: October 1st, Dr. Sakata (he just walked into my class without prior notice), and November 5th and November 12th, Dr. Saltzman (he did ask permission)." ^{1/} In that letter I also pointed out that my 1974-75 contract stipulated that it was a terminal appointment and that "I neglected to mention that two students in the new class I am teaching have written venomous letters about my teaching: a signed letter to the department chairman and an anonymous letter to the Rehabilitation Counseling Program coordinator, Dr. Sakata. I strongly suspect that the writing of these letters was encouraged by Dr. Palmerton who is the adviser to the student who signed a letter and, I feel, the student who wished to remain anonymous. Furthermore, I have been told by several students that Dr. Sakata has encouraged some of our students not to take required courses with me because he can get those courses waived for them. Guess my enrollments are too high this quarter."

Late in November, 1974, the Office for Civil Rights sent an investigative team to the campus to examine mine as well as other complaints of unfair treatment of faculty at the University. From their preliminary findings it seems that 1/ Dr. Sakata was the new coordinator of the rehabilitation program and Dr. Saltzman the new department chairperson.

they were able to find differential treatment in my case. However, not really understanding the main point of my complaint that is, that I was discriminated against because I was an active Humanist, a social activist, led them to neglect the pursuit of data which was relevant to the heart of my complaint. I feel that the OCR missed my point because I did not present it well enough at that time. I myself was not clear as to the nature of the basis for the discrimination I alleged.

Regardless of my inarticulateness on this crucial point, because of that inarticulateness, the Kent State University Administration and others involved in the conspiracy against me, the anti-democratic, anti-humanistic, anti-socialist power elite at the University, continued gathering materials to be used to support and assure my dismissal. Following the time I made my formal complaint to the OCR such efforts were significantly stepped up.

A letter written against me by a student was milked by my enemies for every ounce of poison it could give. That letter was written and signed by Mrs. Nancy Gabalac, wife of the Summit County (the county in which Akron is located) prosecutor, and the daughter of a well-known professor at the Miami University in Ohio. Mrs. Gabalac had become the Trojan Horse for my enemies.

Chapter 7. THE TROJAN HORSE IN A PINK SKIRT

Until the beginning of the Fall Quarter, 1974, I didn't know a student by the name of Nancy Gabalac. On October 12, 1974, after attending two classes in one of my courses and one class in another course, Nancy Gabalac wrote the following letter to my department chairperson, Dr. Saltzman:

(Note: the letter in full is found on pages 47, 48, and 49, and should be inserted about here.)

October 12, 1974

Dr. Glenn A. Saltzman, Chairman
Counseling & Personnel Services Education
Education Building
Kent State University
Kent, Ohio 44242

Dear Dr. Saltzman:

I registered for GRED 67722, section 2327, Philosophy & Principles of Rehabilitation, and 67729, section 2329, Field Services in Rehabilitation Counseling, for Fall Quarter. According to the schedule these classes were to have been taught by Dr. Sakata and Dr. Palmerton respectively. On the first day of class I reported to the room assigned for GRED 67729 at 3 P.M. to find a note on the blackboard from Dr. ~~Franz~~ stating that he was the instructor and had changed the ~~STARTING~~ time to 5 P.M.

I have attended two meetings of 67729 and one meeting of 67722. As a result of these 5 1/2 hours of instruction I have withdrawn from both courses and wish to make a formal complaint.

I had high expectations of both courses simply because the department felt the subjects to be so essential as to require them in the preparation of rehabilitation counselors. The classes were further emphasized by offering only one section of each course once a year. I expected, therefore, to receive both highly useful information and excellent instruction for my having made the necessary adjustments in my schedule in order to register for these courses. In 5 1/2 hours I received:

The attached forms--much of the information required, including the "recent photo" I find irrelevant, if not an invasion of privacy. The agency list is out of date; most of the contact persons have new jobs. No permission had been secured for the class to visit the agencies. We were to make contact individually and use our "letter of introduction" to get in.

Several warnings about the dangers of smoking, overeating, and aerosol sprays.

Two opportunities to introduce myself to more than twenty other people and to listen to them introduce themselves.

An assignment to make up 10 multiple choice questions and 2 essay questions based on the first chapter of the Text which might be used in an exam eventually.

Information about subscriptions to rehabilitation publications and organizations.

A characterization of himself by Dr. Frumpkin as a misunderstood rebel, a controversial figure who wishes his students to call him Bob.

I also viewed two movies:

DARK CORNER OF JUSTICE, a documentary of the Cuyahoa County Jail. Dr. Frumpkin was unaware of the law re bonding procedures under the new Pre-trial Release Program and the new rules of criminal procedure relating to speedy trial dates. (Both rules were in effect July 1st, 1973) This movie was produced in 1970.

A CONTINUING RESPONSIBILITY, Saul Alinsky's Woodlawn organization. Dr. Frumpkin insisted that Alinsky's followers in Chicago were the only people carrying on his work and teaching and did not have any information on the influence of Alinsky's work on action training and organizational development theories and strategies.

Although neither movie seemed particularly appropriate for 67729 or 67722, it would have been helpful to be able to discuss them and get some background data. Outside of anecdotes about Alinsky, no information was available.

I maintained a 3.3-3.5 grade point average for 3 years at Oberlin, a 3.5-4.0 for one year at OSU and a 4.0 for the summer sessions at KSU. I am a hardworking student with a varied academic background. I have never complained about a professor before; in fact I have never departed from the recommended courses and procedures in any of the schools I have attended. With a professor for a father, I had been brought up to require the same standard of myself regardless of the quality of instruction. I have, however, never sat in a classroom for 5 1/2 hours and heard no lecture, heard nothing from which to take notes.

After the second meeting of 67729 I realized that the no-lecture format was going to continue. (I checked that assumption out with several classmates who had had Dr. Frumpkin before and they assured me this is S.O.P. in his classes.) At this time I knew that it would be impossible for me to sit there for the remainder of the quarter. I entertained some thought of trying to cut most of the classes and get some special project to do instead, but decided that that approach, even if it were possible, would satisfy neither the requirements of the department, nor would it fulfill my own expectations of graduate study.

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I am at this time quite distressed about the situation. I am a full-time student with a graduate assistantship and am anxious to complete the M.Ed. program in Rehabilitation Counseling as soon as I can and with as many courses of my own choosing as I can. I find, now that I have had to withdraw from these two classes, that my completion of the program may be delayed.

I feel I am being penalized unfairly for I registered in good faith and through no fault of my own was placed in an intolerable situation. I feel the department has not acted responsibly toward me and the other students in the rehabilitation program in this regard and sincerely hope that these conditions will be corrected as soon as possible.

I regret the necessity for this letter of protest and hope I may have the privilege of a more cordial relationship in the future.

Sincerely,

Nancy W. Gabalac

Nancy W. Gabalac

In the context of the concerted effort of my enemies to get rid of me, this letter did not come as a welcome surprise. In more than 17 years of college teaching I had never had such a letter written about me. The letter was quite upsetting.

As a counselor and therapist, my first impulse was to try to understand why Nancy Gabalac, very nearly a stranger to me, was so hostile toward me. I tried to reach her several times without success and then when I finally did reach her she was reluctant to talk to me. She said that she was "afraid" of me and would not talk to me, in person, alone.

This expression of fear made me more upset than ever. In an effort to try to understand what was going on with her I called a friend and colleague of mine under whom Nancy was working part-time as a graduate assistant, namely, Kay Schotzinger, Director of Project Dove, a special program to help middle-aged women interested in continuing college education interrupted by child-rearing responsibilities. After my phone conversation with Kay she became a part of the conspiracy with the following letter to Dr. Saltzman:

(Note: the Schotzinger letter is found in full on page 51, and should be inserted about here.)

INTER-DEPARTMENTAL CORRESPONDENCE

KENT STATE UNIVERSITY

KENT, OHIO

TO Dr. Glenn A. Saltzman, Chairman, Counseling and Personnel Services
Education

FROM Kay Schotzinger, Assistant Director, Advising & Orientation, Director, Project DOVE DATE October 23, 1974

SUBJECT Telephone Conversation with Dr. Robert Frumkin concerning
Nancy Gabalac

Nancy Gabalac serves as my graduate assistant working as a counselor for Project DOVE. Nancy has requested that I relate to you the contents of a telephone conversation with Dr. Frumkin concerning her.

On Friday, October 18, Dr. Frumkin called me requesting a meeting for the same day. Since my day was full, I asked what he wanted. He replied that he was aware that Nancy worked for me and that he was concerned that she had some kind of problem; he wondered if I was aware of any trouble at work. I answered that Nancy was indeed my graduate assistant and that her work for me was exceptional.

He continued with the following questions:

"Is she married?"

"Does she have children?"

"Is she having any problems at home?"

"Are you aware of any personal problems she is having?"

"How many hours does she work?"

"What classes and how many hours is she taking?"

My suggestion, which served as a reply to these questions, was that Dr. Frumkin discuss his concerns with Nancy; it was not my place or ethical responsibility to discuss her personal life with anyone. I suggested he call Nancy Monday, October 21, and discuss his concerns with her personally.

The telephone conversation ended with Dr. Frumkin's request for Nancy's home phone number (which I stated was unlisted) and a confirmation that he would discuss his concerns with her personally.

cc: Nancy Gabalac



KAS/naw

From the inquiry which I made to Kay Schotzinger I was now accused of "harassing" a student because ^{I called} her boss "in order to jeopardize her graduate assistantship."

After some extended efforts on my part, Nancy Gabalac did agree to talk with me if, on her terms, Dr. Saltzman, the department chairperson, could be there in order "to protect" her from any further "harassment."

Taking every step necessary to meet Nancy Gabalac's demands for safety and protection, a meeting was arranged for October 30, 1974 in Dr. Saltzman's office. In addition to Dr. Saltzman, Nancy Gabalac, and myself, Dixie Benshoff, an elected student liaison member to the department Executive Committee, joined the meeting as an observer at my request. I invited Dixie Benshoff because I respected her as an objective, independent, humanistic person who would be helpful in reporting accurately what might take place at the meeting.

In this meeting I discussed the letter with Nancy, stating simply how I felt about the points she raised and the unfairness of the letter in general, especially in the context of the fact that I had a "terminal appointment" and that I was working hard to correct the injustices connected with my present status in the department. I told her that I was puzzled by the fact that she did not discuss her dissatisfactions directly with me, the customary first step in resolving faculty-student conflicts and problems. Her answer upset me greatly. She insisted that she was "too afraid" to do this and, therefore, had to resort to writing the letter.

I asked her why she was so "afraid" of me and the only answer she could give to this question was that she was "afraid" and that was that. Nancy's answer troubled me more than ever. What made her so afraid I kept asking myself.

On November 4, 1974 Dr. Saltzman in summarizing that meeting in a memo said that I had agreed in that meeting that my telephone conversation with Kay Schotzinger with reference to Nancy Gabalac was "harassment." I agreed to no such statement. What I did say was that Mrs. Gabalac might have felt it was harassment and if so it was harassment for her. I said, however, that I did not feel it was harassment, that it was not my intention to harass her, that I was not trying to jeopardize her graduate assistantship, that I was only trying to understand why she wrote such a hostile letter about me and my classes when she hardly knew me.

My enemies indeed had their Trojan Horse. The fact that it was dressed in a pink skirt did not in any way lessen its potential deadliness.

Chapter 8. POISON HEMLOCK RATHER THAN KUDOS

During the early part of the Fall Quarter, 1974, under the supervision of James T. Lawless, staff writer for the Kent State University News Service (the public information or PR office), a journalism student assistant was given the task of researching and writing a major article on my work with the Rehabilitation Counseling Program and handicapped students in the program as well as the recent national and international honors I had won.

Many hours were spent talking with the student writer in preparation for the completion of the story. Several handicapped students in the Rehabilitation Counseling Program were also interviewed and photographers took photos of me and the students to accompany the proposed major article as well as the spin-off pieces which were to be published in Northeast Ohio newspapers as well as the Kent State University student newspaper, the DAILY KENT STATER.

By the middle of November, 1974, the story was ready, the basic data collected, photographs taken, etc., but then, suddenly, the whole story was quashed.

I asked the student reporter what had happened. She told me that the Administration got wind of the story which was being planned and felt that it would be "inappropriate at this time" because the University is in the process of getting rid of me and not recommending me for any promotions, salary increases, or other institutional reinforcements. To paraphrase her, she said something like this: "I'm sure you understand our

position. We can't put out articles telling how great a guy you are and how wonderful the Rehabilitation Counseling Program is at the very same time that we're planning your 'execution' and declaring a bona fide financial exigency which singles out the Rehabilitation Counseling Program as the 'least viable' program in the College of Education. It wouldn't look right."

The attitude of the University toward me was similar to that held toward Socrates by his enemies. What was really felt appropriate was a hemlock cocktail rather than some champagne to celebrate my contributions to the University.

That student was quite right. The story planned by the Kent State University News Service "wouldn't have looked right" at that time.
