

Ghost of WA archaeology row refuses to be buried

By MICHAEL DAY

A dispute within the University of Western Australia's archaeology department which led to the department's demise has resurfaced, with the chairman of the investigating committee criticising UWA's response to the problems exposed.

In a letter to "representatives of decision-making bodies" within the university, Associate Professor Neville Bruce cites claims by students "that some of the . . . damaging activities described to the committee during the review process are still being indulged in by members of the original department."

Bruce, an associate professor in anatomy and human biology, sent his letter to the vice-chancellor, Professor Fay Gale, some department heads and former heads, the staff association and others.

An inquiry by UWA law dean Professor Stan Hotop and former DVC Professor Doug Clyde followed a report by the archaeology review committee which Bruce chaired last year.

After the report, which the VC has refused to make public, UWA's archaeology department was abolished and its head, Professor Sandra Bowdler, and some staff were moved to anthropology.

A senior lecturer in archaeology, Dr David Rindos, had already moved from Bowdler's department to geography.

Bruce says his letter was precipitated by an outcome never intended by the review committee — a delay in a decision on tenure for Rindos.

He says he found his experience on the review committee deeply disturbing.

"I heard many serious allegations of inequitable dealing both between staff and between staff and undergraduate and postgraduate students. . .

"It is my firm belief that the environment of the department of archaeology was made deeply stressful for Dr Rindos and some students and that their performance suffered accordingly.

"There were accusations of campaigns by groups within the department, against other staff members and students. Indeed, a number of those interviewed claimed they had been deliberately victimised by staff in one way or another."

Bruce said the review report asked Gale to urgently investigate management practices, heal divisions and investigate purported inequitable behaviour within the department.

Over the year since the report, a number of events

had prevented him from ignoring the results, added Bruce.

He had received requests for advice or help from disaffected undergraduate and postgraduate students of archaeology, who he believed were justified in feeling that the faith they placed in the university to resolve the problems was to a large extent misplaced.

They had said damaging activities were continuing and some were directed at Rindos and postgraduate students.

Also, said Bruce, Rindos still had not received fair treatment and he believes, was discriminated against in the original department of archaeology.

Bruce said the decision to make the anthropology department responsible for the discipline of archaeology had been particularly unfortunate for Rindos. No reasons were made public or given to Rindos why he was excluded from that department.

"I believe that this decision and failure to explain the decision would have been extremely damaging to his morale and are totally unacceptable in a premier institution of our standing.

"As a result of such exclusion, he has been left without any academic af-

filiation and denied the normal support and resources that should rightfully accrue to all members of academic staff."

Bruce said colleagues had offered to co-sign the letter but he decided to present it alone.

"It is with a feeling of regret that I have had to write the letter at all and make sensitive issues relatively public. I had hoped that it would not be necessary. However, if students and staff suffer because decisions made to correct real problems have been less than adequate, all of us who are directly or indirectly involved in those decisions must share the blame and work to redress those problems."

Attached to his letter is a copy of the reference he wrote supporting Dr Rindos's application for tenure.

Rindos had been asked, soon after arriving at UWA, to assume acting headship of the department.

"Since then, he and others appear to have been subjected to a concerted campaign of denigration that I believe few could have sustained," he wrote in the reference.

"That he was able to be productive at all is a clear testimony of his ability as an academic."

'No complaints' claim in WA archaeology dust up

By MICHAEL DAY

The archaeology dispute at the University of Western Australia has drawn another senior academic into the public arena.

Dr JL Gordon, head of UWA's department of anthropology, has disputed two points in a recent widely circulated letter by the chairman of the university's archaeology review committee, Associate Professor Neville Bruce (*Campus* Apr 1-7).

Addressed to the vice-chancellor, Professor Fay Gale, Gordon's letter was also sent to many recipients of the Bruce letter.

Gordon's department last year absorbed some staff and students of the abolished archaeology department, including the head, Professor Sandra Bowdler.

Gordon addressed two points in Bruce's letter.

The first concerned alleged inequitable treatment between archaeology students and staff.

He took issue with the statement that Bruce had "received a number of requests for advice or help from disaffected undergraduate and postgraduate students of archaeology... (who) have stated that some of the deliberately damaging activities described to the committee during the review process are still being indulged in by members of the original department."

Gordon said he had made

a personal commitment to provide active leadership for the staff and students of the archaeology program and was committed to dealing decisively with any complaints on any matters.

"I note for the record that I have not received any complaints of inequitable behaviour from anyone, staff or students, nor have I been informed by anyone of deliberately damaging activities by archaeology staff since I assumed responsibility for archaeology on July 1 last year.

"The two complaints about archaeology I have received to date have been routine: one was a request to re-mark an examination paper, and the second a complaint of overcrowding in a lecture room in a unit taught by a popular lecturer."

Gordon said he had told all archaeology students to let him know immediately if they had any problems of any sort but none had been reported.

Gordon said in his letter to Gale that he would "steadfastly refuse to resurrect old issues which have no relevance to the present."

He then addressed a second issue: the exclusion of senior lecturer in archaeology, Dr David Rindos, from the department of anthropology.

Bruce said in his letter that he believed his original misgivings about merging the departments of ar-

chaeology and anthropology had been correct.

(Rindos, a former acting head of archaeology, and some doctoral students moved from Bowdler's department to geography before the abolition of the archaeology department).

Gordon said a recommendation of the Bruce committee was that the VC resolve the divisions that had developed in the archaeology department.

"Early in 1992 the department of anthropology was asked to assist in solving problems in archaeology.

"The decision of the department of anthropology to accept a majority of archaeology's staff and postgraduate students was consistent with the recommendation of the review committee and was based on the belief that the divisions within archaeology could only be resolved by separating the contesting parties. The decision not to accept Dr Rindos thus followed from the Bruce committee's recommendations."

The contesting parties Gordon was referring to are Bowdler and Rindos.

A tenure review committee has recommended against the granting of tenure to Rindos, who has been set a mid-April deadline for response.

The dispute, which erupted in 1990, involves personal and professional matters.

Flood of letters supports embattled WA archaeologist

By MICHAEL DAY

An avalanche of letters from eminent archaeologists has arrived at the office of University of Western Australia vice-chancellor Fay Gale as she considers a committee recommendation to deny tenure to a senior lecturer in archaeology, Dr David Rindos.

Copies of the letters have been given to *Campus Review*, complete with an analysis of the professional standing of the signatories. At least some of the testimonials have been written as a result of requests by Rindos.

In February this year a specially appointed tenure review committee at UWA decided unanimously to deny tenure to Rindos, who has been at the university since 1989. The reasons for denial were summarised under the headings "university service", "teaching", and "research". Rindos's reply to the committee's decision is currently with Gale.

After a review of the UWA archaeology department last year the VC appointed a two person inquiry. That resulted in the abolition of the archaeology department and the shifting of department head Professor Sandra Bowdler and some staff into the anthropology department.

Rindos, a former acting head of the department, had already moved with some postgraduate students from Bowdler's department to geography.

Rindos and Bowdler were at loggerheads. A myriad of interesting allegations are well known throughout the WA university community but have not been commented on by UWA.

In a dramatic development in March, the chair of the review committee, Associate Professor Neville Bruce, publicly chastised UWA for its response to the problems his inquiry exposed, saying they were continuing. That was later publicly denied by anthropology department head, Professor John Gordon.

Among the signatories of the letters supporting Rindos is Professor Frank Hole of Yale University, who says: "Rindos is a rare scholar whose energy and brilliance should be nurtured and I trust that your committee will reach the same decision". He adds that Rindos would be "a strong candidate for promotion at Yale".



Professor Gale

According to an assessment provided by the University of Sydney's J Peter White at the request of Rindos, Hole would rank among any list of archaeological greats.

This view is supported by Sylvia Hallam, an honorary senior research fellow in archaeology at

UWA, who says Hole is among the "elder statesmen" of American archaeology.

Other archaeologists to heap praise on Rindos and who are said by White and Hallam to have world stature include: Professor Michael Schiffer of the University of Arizona ("archaeologists in the US hold (Rindos's) work in the highest regard"); Professor Robert Dunnell of the University of Washington ("Rindos is an outstanding scholar of international reputation"); Professor Richard Gould of Brown University ("I regularly assign parts of Dr Rindos's Book *The Origins of Agriculture* in our classes"); and Professor Lewis Binford of the Southern Methodist University in Dallas ("Rindos' work is world

class and most provocative.").

Letters have arrived from Dr Alan Thorne, head of the prehistory department at ANU, Professor William Provine of Cornell University (where Rindos received his PhD), Dr Iain Davidson of UNE, Dr Alison Betts of Sydney University and Dr David Harris, director of the London Institute of Archaeology. There are many more — even an invitation for Rindos to lecture in St Petersburg.

The report to Gale of the tenure review committee, labelled "confidential and in confidence", has been leaked to *Campus*. The committee comprised Professor Robert Wood, acting DVC, Professor John Jory, head of the division of arts and architecture, Professor Alan Robson, now DVC, Clinical Professor Alex Cohen, a senate member and Ms Brenda Robbins, a senate member. Also in attendance were "industrial observers", Ms Kerry Evans, from FAUSA, and Ms Sally Zanetic, the university's director of human resources.

The committee heard evidence on the criteria of teaching, research and university service. Then each member privately recorded a judgement on whether they felt Rindos's performance had been satisfactory and gave that

judgement to the chairman.

At the end of the first meeting the committee was unanimously against granting tenure. However, Rindos was asked to supply further data and the committee spoke, at the request of Rindos, to three UWA professors.

The committee members followed the same process as before and were again unanimously against granting tenure. During the committee's investigations, two independent opinions on Rindos' suitability for tenure were sought from Professor J Allen, chairperson of the archaeology department at La Trobe University and Dr Rhys Jones, senior fellow at the research school of Pacific studies at ANU. Those opinions have yet to be made public officially or unofficially.

The committee report said it "accepted there was a camp that felt that Dr Rindos could not work with others and another camp that felt he was highly capable and would succeed in the right environment".

It also said that in the context in which positive and negative views of Rindos's performance counter-balanced each other, its judgement was based on the most objective data available.

Top archaeologist to appeal against grounds for sacking

By GRAEME LEECH

AN archaeologist at the University of Western Australia, Dr David Rindos, has appealed against the university's decision to deny him tenure for "insufficient productivity".

The university senate is expected to discuss the case on Monday.

Dr Rindos told the *HES* this week he was sacked by the vice-chancellor, Professor Fay Gale, 10 days ago, four years after being recruited from Michigan State University by Professor Sandra Bowdler, then head of UWA's department of archaeology.

Before his dismissal there had been allegations, not involving Dr Rindos, of sexual involvement between staff and students at UWA.

Dr Rindos, who is openly gay, said this week that his dismissal would make the case involving Professor Sydney Sparkes Orr "look like a picnic in the park".

Additional grounds for his sacking included difficulties between him and Professor Bowdler, Dr Rindos said.

Dr Brian Martin of Wollongong University's department of science and technology studies has a longstanding interest in such academic disputes and has closely followed the case.

Dr Martin said Dr Rindos, who holds a PhD from Cornell, was in the top 10 per cent in his field. "It is quite amazing to deny him tenure on the grounds of inadequate academic performance," he said.

"For people on the tenure track — and he's on the tenure track — it's exceptional to be denied tenure."

Dr Martin said most academics would be "crowing" if

they had Dr Rindos's publishing record as one of the top research performers in his field.

Dr Martin discounted Dr Rindos's homosexuality as a factor in his sacking.

Dr Rindos explained his opposition to staff-student sexual relationships by comparing the behaviour of academics with the standards expected of the professions in dealing with their clients.

"What is it about the gonads of lecturers that they can do something doctors and lawyers can't do?" he asked.

Six months after arriving in Perth, Dr Rindos realised — because of the variety of allegations and counter-allegations —

Snakepit of first order

that he was "in a snakepit of the first order", he said.

He was later shifted to the geography department and ended up in an office at UWA's radio station without secretarial support.

Sexual harassment allegations against Dr Rindos were dropped, charges which, he said, were malicious. Also dropped was an allegation involving "pornography mongering".

He was cleared of plagiarism on the grounds that no details had been supplied. Meanwhile he has been given six months' salary in lieu of additional notice.

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Senate upholds Rindos ruling

THE University of Western Australia's senate has declined to overturn the decision by the vice-chancellor, Professor Fay Gale, to refuse tenure for Dr David Rindos.

Dr Rindos, an archaeologist, was refused tenure two weeks ago for alleged insufficient productivity.

The case has attracted wide publicity in Western Australia, where Dr Rindos has made allegations of victimisation by "hard-core, radical separatist feminists" at UWA.

The senate noted that the correct procedures had been followed and that the vice-chancellor had made her decision on the basis of properly prepared advice and in accordance with her delegated powers.

A petition from Dr Rindos that he be issued with a new, tenured contract of employment was also rejected.

Dr Rindos said he had been denied natural justice and it appeared he would have to resolve the matter through other forms of appeal.

— GRAEME LEECH

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Archaeologist to seek external appeal over tenure

Archaeologist Dr David Rindos is considering courses of appeal outside the university after the University of Western Australia's senate on Monday turned down his request for a new employment contract with tenure.

The senate also "noted" a report from vice-chancellor Professor Fay Gale on her decision not to grant tenure to Rindos "at the conclusion of his four-year probation". Rindos had asked the senate effectively to overturn the vice-chancellor's ruling.

The senate, according to the university, "noted that the procedures specified in the university's regulations for tenure had been correctly followed and that the vice-chancellor had taken her decision on the basis of properly prepared advice and in accordance with her delegated powers".

Gale said in an earlier statement she was concerned that "matters external to her decision" were being portrayed as the basis for not granting Rindos tenure. The case has become something of a cause celebre in the Perth media, with claims of an old-girls' network operating in archaeology.

Rindos, who has produced numerous letters of support from overseas colleagues in his bid for tenure, said this week a university committee looking at his case did not take proper account of his published work when discussing his academic productivity.

Rindos said he believed he had been denied natural justice.

The university now found itself in the position of "having to justify the unjustifiable", he said.

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Backers rally round Rindos

GRAEME LEECH looks behind the scenes at the sacking of controversial academic David Rindos, and the implications the case has for tenure

THE vice-chancellor of the University of Western Australia, Professor Fay Gale, has defended her controversial decision to refuse tenure to Dr David Rindos, the archaeologist recruited from Michigan State University in 1989.

Professor Gale said in a statement that testimonials written on Dr Rindos's behalf appeared to have limited first-hand knowledge of his work, and seemed to have only marginal relevance to the tenure issue.

"The university has never disputed that Dr Rindos has done some original research, or that he has attracted support from some of his students," Professor Gale's statement said.

"The determination of the tenure review committee, however, was based on an assessment of the relative levels of performance and promise of performance which are required in 1993 at this university to earn protected employment through tenure."

Professor Gale said the tenure review committee concluded that Dr Rindos's teaching and research, "notwithstanding any mitigating cir-

cumstances", did not measure up to the demanding standards set by an institution which was seeking to maintain its international reputation.

Dr Rindos told the HES his mitigating circumstances included being moved from his department and ultimately being accommodated without any of the secretarial or material support services enjoyed by most other academics; defending himself against allegations of sexual harassment, pornography mongering and plagiarism; and being required to produce a 1000-page tenure support statement.

The HES has obtained copies of several testimonials from archaeologists and anthropologists here and overseas. Some were solicited by UWA, some by Dr Rindos.

Mitigating circumstances are referred to in a confidential assessment of Dr Rindos's work by one of Australia's best known anthropologists, Dr Rhys Jones, from the Australian National University.

At the invitation of UWA, Dr Jones wrote that it was "perhaps perceptible that the last two years have been difficult" for Dr Rindos.

He referred to problems of readjustment, having to devise new courses and undertaking a considerable teaching load, as well as acting as department head with all the administrative tasks that job entailed.

"Without making any com-

ments as to the 'rights and wrongs' of (the) issues, there can be absolutely no doubt that they can have a terribly sapping effect on the participants concerned," Dr Jones wrote.

He added that not to take these factors into account would be an injustice.

Dr Jones concluded, with a "slight reservation", that Dr Rindos should be granted tenure.

Dr Brian Martin of Wollongong University's department of science and technology studies has made a study of such academic disputes.

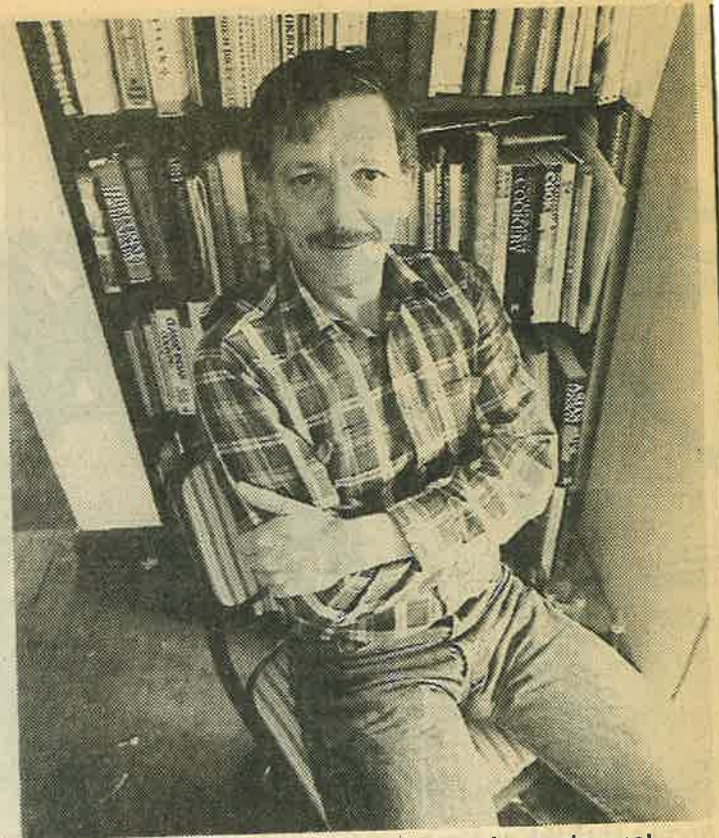
When asked by the HES for his thoughts on Professor Gale's statement — she has also written a memo to each of her colleagues at UWA — Dr Martin said he presumed the matter had indeed been dealt with according to procedure, as the statement said.

"But the question is whether the correct decision has been made — following procedure is not everything," Dr Martin said.

He also pointed out that Professor Gale's memo said the issue of personal relationships had not been taken into account.

"This is a nice thing to say for public consumption, but it is a truly amazing thing to say in a situation where there are incredible personal tensions going on," he said.

Moreover, Professor Gale's



Dr Rindos at home . . . 'mitigating circumstances'

official statement (as opposed to the memo) said all aspects of Dr Rindos's performance, including his "difficulties working in a team with academic colleagues", had been taken into account.

"So they can't even get their own story straight," Dr Martin said.

On the central question of academic performance, Dr Martin said UWA had looked at a narrow four-year band of performance between 1989 and 1993.

"It is very unusual for an institution to only look at such a narrow band. They always look at the total record," Dr Martin said.

As well, UWA had stated Dr Rindos's output was below the standard expected. It was "very precarious" to make

comparisons on that basis because it did not add up quality and the impact of original research, he said.

The obvious interpretation of the memo and the statement was that the university authorities simply did not like Dr Rindos, Dr Martin said.

He added that academics had to be "totally inadequate" not to get tenure. In Dr Rindos's case this was demonstrably not the case.

Meanwhile, details of the case have been flashed around the world on Internet's archaeology and anthropology bulletin boards, which have a readership in the tens of thousands.

Dr Rindos is expected to lodge a formal complaint with the State Ombudsman this week.

Backers rally round Rindos

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P.22
The Australian 7 July 1993

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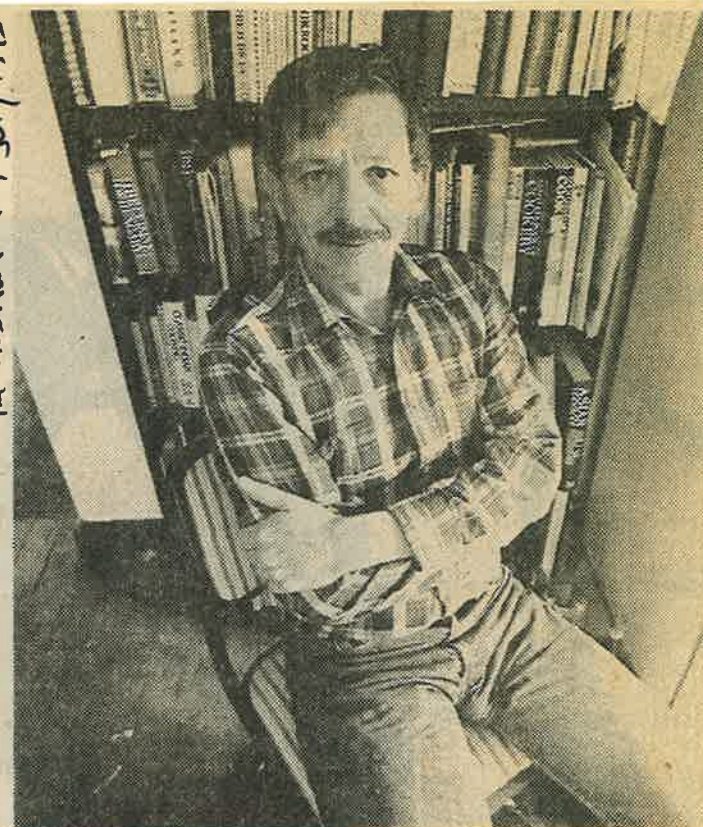
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Rindos case goes to Industrial Com as defence fund mounted

By MICHAEL DAY

New energy was breathed into the Rindos case at the University of Western Australia last week when the case went to the Federal Industrial Commission in Perth.

Nor is the case is likely to rest there.

Trustees for a newly formed "Dr David Rindos Defence Fund" have been soliciting contributions for the fund which, they say, "is to be used for the legal fees and incidental costs" associated with actions to "salvage his good name and reputation".

The appeal was accompanied by excerpts from 30 academic supporters of Rindos (most from the United States) and by cuttings and headlines from stories about the controversy.

Archaeologist Dr David Rindos was recently denied tenure at the University of Western Australia, with the university alleging "lack of academic productivity".

Supporters of Rindos claim he has been evicted for his whistle-blowing activities, which saw the abolition of the archaeology department and the transferring of its Professor, Dr Sandra Bowdler, into another department.

The trustees of the

defence fund are Mr David Lamb and Mr Reno Furfaro.

They say that Rindos has requested that he not be informed of the identity of the contributors and that all proceeds of any successful legal action be returned to the fund so that its value is reinstated to the total amount donated to it.

"At the end of his legal actions, he has asked that we ensure all funds in the account be given to the WA Aids Council, Inc, a registered charity, for use in their support program which is dedicated to the improvement of the day to day lives of persons living with HIV/AIDS. In making this request, he noted that he would like to 'see at least some good come out this terrible situation'."

The description "terrible situation" is something the university would doubtless agree with.

Senior administrative staff at UWA have noted that the controversy has affected morale of some staff and there has been concern expressed that some of the homosexual elements of the controversy may deter parents of potential overseas students from sending their children to UWA.

Archaeologist says UWA is digging deep for settlement

By MICHAEL DAY

Archaeologist Dr David Rindos, who was recently denied tenure by the University of Western Australia, says the university has offered him a large settlement package and an apology.

Rindos, in a press statement, said he refused the settlement package but put forward an alternative wording to the apology, which he said was declined by UWA.

During various negotiations over the past several months, settlement offers "had gone into six figures", according to Rindos.

UWA Registrar Mr Malcolm Orr declined to comment directly on the Rindos statements.

"The university is still negotiating a settlement with his union to the dispute which Dr Rindos brought to the federal industrial relations commissioner," Orr said. "A condition imposed by that commissioner was that there be no public comment while the parties are negotiating..."

"In accordance with our undertaking (we) decline at this stage to respond to specific questions."

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Archaeologist says UWA is digging deep for settlement

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In his media release, Rindos said the UWA offers "are unheard of after a denial of tenure and sacking". He said his major concern was the negative public statements made by university officials about his abilities and accomplishments.

"Money is not my initial concern. I told the university that before we even started dickering about money they would have to clarify some of the terrible things they've said about me. They did produce a draft letter of apology, but it had no content. My union and I offered them an alternative wording which we honestly thought they could accept."

Rindos said in denying him tenure and "sacking" him his accomplishments were denigrated.

"This occurred despite unambiguous testimony from the most important archaeologists around the world. I was never allowed to present my case in person or defend myself against accusations made against me. Instead, all of this was kept confidential from me. How can you reply to accusations you've never seen? How can you defend yourself if your data needed for your defence is kept under lock and key," the statement said.

Rindos said he was going to appeal his case to the State Industrial Commission.

"Action in that forum was held up by the negotiations in the federal commission," he said. "I have also consulted with the state ombudsman."

A major controversy within UWA's archaeology department led to two inquiries and resulted in the abolition of the department as a separate entity.

The chair of the initial inquiry later criticised the university for its actions and supported the grant of tenure to Rindos.

A university committee subsequently unanimously and successfully recommended that tenure be denied.

A legal fund has been set up by Rindos supporters.

UWA considers Rindos reply

Lawyers for the University of Western Australia are examining a media release by UWA archaeologist Dr David Rindos and a letter from his solicitors in order to "frame an appropriate response".

Last week Rindos' legal advisers sent a letter demanding a retraction and apology from UWA and vice-chancellor Professor Fay Gale, saying that recent statements by the vice-chancellor have done serious "and possibly irreparable harm" to the reputation of Rindos as a scholar and university teacher.

Rindos, who was recently denied tenure by UWA, issued a media release ex-

panding on his lawyers' letter.

UWA registrar Mr Malcolm Orr later said the university confirmed that it had received a letter from Rindos' solicitors making allegations and demands regarding the university's handling of his tenure review process and its outcome.

"The university is most concerned at some of the statements made in his solicitor's letter and in his private press statement, and has referred both comments to its own legal advisers to frame an appropriate response to the matters which have been raised."

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Tenure dispute leads to e-mail defamation writ

By **MICHAEL DAY and
ERIC AUBERT**

University of Western Australia anthropologist Dr David Rindos says he has filed a writ against a local anthropologist alleging defamation by e-mail.

The case could be the first in Australia involving a claim of defamation by e-mail, although some universities, notably Wollongong and UNSW, have warned their staff about the need for caution when sending electronic mail.

Rindos's solicitor, Mr Robert Castiglione said the writ was now with a process server.

He said Rindos, who was recently denied tenure at UWA, would also commence actions against a number of other people.

Rindos told *Campus Review* the writ concerned alleged statements on the international computer network Internet.

The technical manager of the Australian Academic and Research Network and secretary of the Internet Society, Mr Geoff Huston, said he was not aware of any other defamation threats or actions resulting from computer network use in Australia.

He said such networks would be subject to the same laws as other forms of communication including the telephone, newspapers, books, radio and television: "They are a genuine tool of communication, and users should not treat it any differently to how they would communicate in other forms."

Huston said it would be relatively simple to estimate the number of people who had seen any particular network item through records of it entering users' electronic mailboxes.

Estimates in cases where information was broadcast on bulletin boards could be done along similar lines to estimates for radio and TV broadcasts.

Huston conceded that network users could disown their authorship of defamatory messages by using other people's log-ons, resulting in the wrong person being accused of defamation.

However, carrying out such an operation required significant expertise and knowledge of the system — and new electronic signature technology being developed would make it "virtually impossible" for users to send messages in other people's names.

Huston said that because the networks cross state and national borders, it could become difficult to work out which court should hear such cases — state, national or international.

He said while networks could technically also be liable for defamation action in their role of carriers of defamatory material, such action would be extremely unlikely.

The University of New South Wales is investigating the legal and social implications of electronic mail abuse, following claims the Internet system had been used to transmit sexual, racial and defamatory messages.

Rindos, UWA dispute in IRC

The dispute between Dr David Rindos and the University of Western Australia is now before the Western Australian Industrial Relations Commission.

Rindos, an archaeologist, was denied tenure by the university and has applied to the commission to be reinstated claiming he was un-

fairly dismissed.

An earlier hearing before the federal Industrial Relations Commission did not proceed beyond an initial conference between the two parties.

In 1992 Rindos gave evidence to a UWA inquiry into the university's archaeology department.

Another in camera inquiry was held and the department was incorporated into the anthropology department. Later a committee unanimously denied Rindos tenure.

UWA has since received many letters from archaeologists in universities in Australia, the US and Britain supporting Rindos.

@econ.utas.edu.au, or to Professor A/Executive Dean, School of Business & Law, (telephone: 002 20 2069, facsimile: 002 20 7623, email Don.Chalmers@law.utas.edu.au).

Applications quoting the reference number and including the names of three referees, should give particular attention to the Selection Criteria and reach the Acting Director of Personnel Services, University of Tasmania at Hobart, GPO Box 252C, Hobart, Tasmania 7001, by 31 January 1994. They should be enclosed in an envelope marked *Chair Appointment*.

The University reserves the right not to make an appointment, or to appoint by invitation.

EQUAL EMPLOYMENT OPPORTUNITY AND A SMOKE FREE WORKING ENVIRONMENT IN SHARED WORKPLACES ARE UNIVERSITY POLICY

NJ32179

And that was 1993

ERIC AUBERT looks back over the year that saw the start of Beazleyisation

Education Minister Kim Beazley may have pronounced that higher education is entering a steady-state period, but 1993 could hardly be remembered as a year of equilibrium in the sector.

A protracted industrial dispute over working conditions, what is increasingly emerging as a quite new ballgame bowled in by the quality review process, an escalation in user-pays education and a shake-up of international education have helped to keep the sector on the move.

As the year closes, the sector is coming to terms with Beazley's announcement of new guidelines for allocating higher education resources.

It starts to appear that steady state applies to the older established institutions, leaving newer campuses in areas of high population growth to fight it out for whatever growth funds are available.

Beazley's demands that universities meet school leaver targets — along with new criteria including equity group success rates and employability of graduates — have led to concerns that the government is departing from the Dawkins' era philosophy of deregulation.

The year saw the first break-up of the Dawkins-engineered amalgamations. The University of New England was dismantled to create two separate institutions, to give Australia its 36th university — Southern Cross — from January 1, and, if Beazley has his way, the last new university for quite a while.

Hip-pocket issues won their share of higher education headlines in 1993. The March federal election saw students, unions and many university heads combine to campaign against the coalition's voucher funding system, widely regarded as unworkable and too much of a radical change on a system still recovering from the Dawkins revolution.

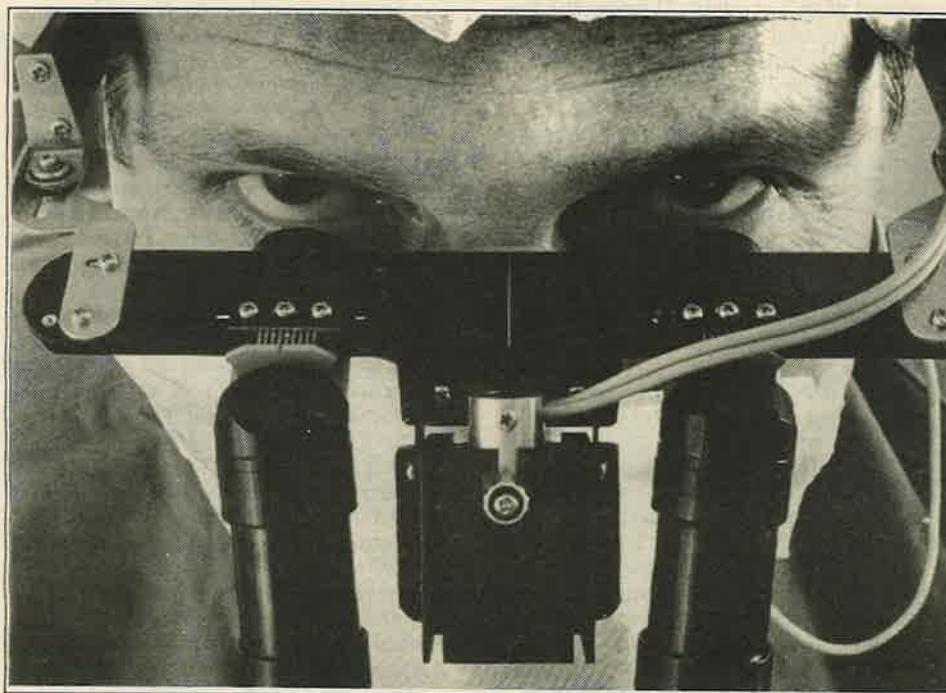
With the voucher system buried by the coalition's election loss, the Labor government signalled it wasn't completely finished with higher education reform by switching the higher education portfolio to Beazley, who had previously left the sector in the capable hands of Peter Baldwin.

Despite AVCC calls for him to stay in higher ed, Baldwin was elevated to social security.

On the other side of politics, the coalition's New Right ideologue education spokesman, Dr David Kemp, was whisked out of the portfolio and replaced by leading wet and deputy Liberal leader Dr Michael Wooldridge, who has maintained a low profile on higher education.

As 1993 ends, the Liberals have no higher education policy and appear content to let the Democrats assume the role of opposition on higher education matters.

Soon after taking over higher education, Beazley left no doubt he had the Higher Education Contribution Scheme firmly in his sights, so it was not surprising that the budget announced a widening



An eye to research interests in science and classics . . . (Above) Dr Albert Devine, visiting research scholar at the University of Adelaide and (below) \$US100,000 Alcon Research Institute Award winner Professor Hugh Taylor of the University of Melbourne



of the HECS net to slug students doing a second undergraduate degree and students taking too long to finish degrees.

While the latter measure was dropped after sector wide protests, the double-HECS charge for second undergraduate degrees will soon be pushed through the senate, much to the ire of student groups which have also fought plans by the WA and Victorian governments to cut their funding lifeblood with voluntary student unionism (although the federal government has introduced legislation which effectively penalises states for funds lost through VSU).

The federal budget also relaxed regulations for fee-paying postgraduate courses, prompting academic unions and the Council of Australian Postgraduate Associations to warn of an open slather approach to postgraduate fees. CAPA's annual survey pinpointed a record 43 per

cent expansion in the fee-paying postgraduate market in the past year, along with large rises in course costs.

Despite government assurances that such a move is against ALP party policy, the prospect of full fees for undergraduate courses remains at the discussion table, with continued support for the move from the AVCC and several vice-chancellors.

The year also saw the launch of two major programs providing "open learning" style graduate fee-paying courses. A joint venture between Wollongong University and SBS Television, drawing in 12 other universities, is broadcasting professional graduate courses across the nation, while the Monash-led Open Learning Agency of Australia recently entered the graduate market with 19 courses offered mainly through print-based learning.

The OLAA and ABC Television went international in 1993, broadcasting se-

lected OLAA offerings into the Asia-Pacific region via satellite.

Beazley's other major policy initiative has been a restructuring of the promotion of Australia's \$A1.2 billion international education industry. The new Australian International Education Foundation will next year take over many of the generic promotional tasks presently carried out by the International Development Program's Australian Education Centre network.

IDP and its parent, the AVCC, have expressed concerns about the new foundation's relationship to DEET, and plan to resist moves for it to be run from an office of DEET. Either way, the new foundation signals a more hands-on role in international education promotion from DEET and Beazley himself.

In May, news of a supposedly "clandestine" meeting of the so-called Big Seven research universities prompted protests from other institutions fearing the big seven were scheming to block them out of the research picture.

While members of the group — which later became the Great Eight with the inclusion of the Australian National University — claimed they simply wanted a forum for discussing issues of common interest, the disquiet prompted the AVCC to prepare a discussion paper on diversity, with AVCC executive director Frank Hambly declaring: "We are going to have to live with diversity and there should be no concerns about research universities meeting with each other just as universities of technology meet with each other."

Protests from non-great eight universities did not appear to dampen the audacity of the big research players who in November released a senate committee report suggesting that quality funds might need to be switched to research infrastructure.

This was a response to the budget's allocation of \$60 million to update fast crumbling research infrastructure — less than half the \$125 million recommended by a NBEET report.

The quality buzzword appeared to be on the lips and minds of almost every university administrator in 1993. Quality review chief Professor Brian Wilson and his inquisitors did the rounds of every Australian institution to determine which half would share in \$78 million reward money and which half would get nothing.

While fans of the quality process heralded it as the catalyst for a new ethos in Australian universities, its detractors, including La Trobe vice-chancellor Professor Michael Osborne and Macquarie vice-chancellor Professor Di Yerbury — complained about vague guidelines, a "shifting of the goalposts" with a new emphasis on outcomes, a lack of time for universities to prepare their portfolios and the threat of the process creating a new binary system based on quality fund winners and losers.

Beazley briefly appeared to have second thoughts about the whole quality idea with suggestions he believed the \$78 million was "beyond requirements" and that some of the money would be better spent elsewhere.

Industrially, 1993 finally saw the emergence of higher education's first super union. With 25,000 academic and general



Underlying much of the year's activity was the Quality Review Committee (from left) chair Professor Brian Wilson, deputy Professor Ian Chubb, Mr Chris Burgess, Professor Denise Bradley, Dr Peter Harvey, Mr Paul Hickey, Mr Bruce Irwin, Professor Jillian Maling, and Professor Gordon Stanley

staff members, the National Tertiary Education Union was formed through the merging of several smaller unions whose members voted overwhelmingly in favour of a single, unified voice.

Many would argue that the arrival of such a force was timely in 1993, the year the Australian Higher Education Industrial Association (AHEIA) sparked what many observers consider higher education's biggest industrial dispute by moving to vary the second tier award of 1988, giving vice-chancellors greater powers to sack staff and threatening jealously guarded tenure.

On Thursday, October 14, unions mounted a nationwide strike over the issue, resulting in hundreds of classes being cancelled and the complete shut-down of several campuses.

The NTEU then imposed work bans on student exam results, lifting them a few weeks later on the eve of an Industrial Relations Commission-requested series of conciliation conferences with AHEIA which will continue into 1994.

On other industrial fronts, the predicted union-led war against the Boston Consulting Group's overhaul of Sydney University's administration — formerly the fattest in Australia — was averted, mainly, according to the unions, through the conciliation skills of deputy VC Professor Derek Anderson.

The Boston group also won contracts to review Melbourne University's departments and to conduct a major NBEET review of research infrastructure, leading a trend towards the use of professional management consultants in higher education.

While the NTEU declared that Charles Sturt University was Australian higher education's "industrial relations problem child", the managerial style at Victoria University of Technology appeared to cause the most academic consternation in 1993.

The VUT branch of NTEU is currently considering industrial action following the release of a damning report on the administration by the VC's own consultative committee.

In a year marked by an industrial dispute over moves by vice-chancellors to obtain greater powers of dismissal, some VCs (or their administrations) found their existing powers sufficient.

At Ballarat University College, sociology lecturer Ms Shirley Phillips was sacked following a lengthy dispute in which she refused to teach a course unit she claimed was not accredited.

In another bitter academic fracas, Professor Fred Jevons, the former head of Murdoch University's Institute of Science and Technology Policy, was stripped of his honorary fellowship at Murdoch due to, in the Murdoch senate's words, "sustained public attacks on the university and its officers".

The former Deakin VC responded by stepping up his campaign for an independent inquiry into his former institute, appealing to everyone from the WA Ombudsman to Education Minister Beazley.

Also in the west, University of Western Australia anthropologist Dr David Rindos took the university to the Industrial Relations Commission claiming unfair dis-



Ann Borthwick... from curriculum development to director of NBEET

missal following a dispute over his being denied tenure.

In what is believed to be an Australian first, Rindos also filed a writ against a WA archaeologist alleging defamation by e-mail.

In perhaps the most acrimonious academic spat of 1993, Royal Melbourne Institute of Technology's economics and finance department saw claims of academic fraud, misuse of funds, unfair promotions procedures and a lack of accountability. Seven department academics were charged with serious misconduct, and the head of department was reprimanded over the purchase of a wedding present from departmental funds.

Four of the charged academics agreed to the formally censured and let the matter rest; the other three are fighting on as an auditor-general's report on department activities awaits tabling in the Victorian parliament.

The long-term future of Bond University became no clearer in 1993. VC Professor Phillip Lader got an offer he couldn't refuse from his close friend, US President Bill Clinton, and returned home to the US to take a senior position in the new administration. Just last week he was promoted to White House deputy chief of staff.

Bond's maverick executive chancellor, Professor Harry Messel, took over as the Long Term Credit bank pulled the plug on Bond's owners, EIE International.

The private university is now in the hands of receivers KPMG Peat Marwick, though Messel has announced a grand plan to buy the university himself. Other rumoured bidders are Griffith and Queensland universities and a number of Asian consortia.

In an attempt to show that Bond is a truly different institution, Messel organised a campus-wide referendum on whether staff and students should wear academic gowns at all times on campus.

While the referendum resulted in a resounding "no", Messel, not entirely tongue-in-cheek, said he would hold a referendum every year until his proposal got up.

Ending 1993 on a positive note, the OECD last week released a report showing that Australia spends more per student on higher education than any other OECD country except the United States, and ranks fourth behind the US, Finland and Japan on the proportion of school leavers entering higher education — showing perhaps that things aren't all that bad taking an international perspective.

January

- For the fourth year running, Melbourne University takes top spot on the research league table.
- Ballarat University College asks the federal government to allow it to be a test case for charging full-fees to placeless domestic students — a request rejected by then Higher Education Minister Baldwin.
- First round place offers show demand for university places has plateaued as more school leavers and mature-age students turn to TAFE.

February

- Academic and student groups oppose the coalition's federal election higher education policies based on the voucher system of funding.
- Bond University vice-chancellor Professor Phil Lader returns home to accept a senior position in the new US administration. Executive chancellor Professor Harry Messel takes over at Bond.
- Former Edith Cowan VC Professor Doug Jecks fails to win a seat in the WA election. He was mooted as a possible education minister.
- The giants Monash and UNSW form a strategic alliance in research, teaching and the overseas student market.
- Coalition education spokesman Dr David Kemp says several universities have approached him with a view to disamalgamating. Speculation focuses on Charles Sturt and Western Sydney.

March

- The ALP election win sees Higher Education Minister Peter Baldwin moved to social security, with senior education minister Beazley taking over higher education and former science minister Ross Free moving into schools and vocational education.
- Most Australian vice-chancellors welcome the return of Labor, citing doubt over the coalition's education policies.
- First reports that the AHEIA is planning to rewrite award protections governing academic tenure, serious misconduct, unsatisfactory performance and redundancy, prompt academic unions to consider striking.
- APN buys *Campus Review* from Vijo Pty Ltd and pledges to develop it as the paper of record in Australian and NZ higher education.

April

- New deputy Liberal leader Dr Michael Wooldridge takes over as shadow education minister, replacing Dr David Kemp.
- Criminologist and head of arts deans Professor Paul Wilson, moving from QUT to Bond, warns that public universities have become bureaucratic nightmares with teaching and scholarship overtaken by paper shuffling and administration.
- Swinburne University claims an Australian first with a US-style associate degree in social science as part of its year 13 project.

May

- New IDP chair Professor Mal Logan foreshadows a major review of IDP before a DEET review of the organisation canvasses a restructuring of international education.
- NSW Supreme Court awards former Newcastle U lecturer Dr Michael Spautz 2 cents compensation for false imprisonment in what seems the last chapter in a 13-year crusade against his sacking.
- Bond University executive chancellor Professor Harry Messel asks staff and students to consider wearing academic gowns at all times on campus, and is rejected in a university-wide referendum.
- Academics protest at the development of national school curricula profiles, claiming them to be educationally flawed and driven by an "education bureaucracy".
- A meeting of the big seven group of research universities sparks an outcry from universities outside the group, prompting the AVCC to prepare an issues paper on diversity.

June

- Wollongong University and SBS launch a graduate consortium to provide TV-based postgraduate learning, drawing 12 universities into the full-fee paying graduate open learning market.
- Postal vote of union members returns a resounding yes to a university super union.

July

- NSW Education Minister Virginia Chadwick announces Australia's first university disamalgamation. UNE-Northern Rivers — later to be renamed Southern Cross — is to take the UNE Coffs Harbour centre under its wing, while UNE-Armidale is to be reconstituted as the new UNE, minus the Orange Agricultural College, which will merge with Sydney University.
- University of NSW launches an investigation into the social and legal implications of e-mail abuse.
- AVCC estimates unmet demand for 1993 at between 29,000 and 43,000 — down on last year's 50,000 +.

August

- *The Good Universities Guide* names Queensland University of Technology as University of the Year, prompting Beazley to suggest the government might introduce its own ranking of universities.
- Sydney College of the Arts gets new home: the Kirkbride buildings in the grounds of Rozelle Psychiatric Hospital. Sydney University launches an inquiry into the running of the college.
- Universities are warned they could be liable for huge damages payouts for negligent teaching or negligent advice.
- The federal budget costs a wider HECS net, relaxes restrictions on fee-paying postgraduate courses and signals the imposition of school leaver targets on universities.

September

- The Big Seven becomes the Great Eight with the inclusion of the Australian National University.
- Open Learning Agency and ABC's overseas Australia Television International say they will broadcast open learning programs into the Asia-Pacific region via satellite.
- International Development Program signals it will resist plans by DEET to take over the nine Australian Education Centres in Asia.

October

- NTEU begins operation with 25,000 members and plans to double in size in two years. It takes charge of what union officials believe is the most serious dispute to hit universities: the dispute over working conditions and efforts by VCs to obtain greater powers to dismiss staff.
- AVCC warns that the government's plan to force universities to enrol greater proportions of school leavers could derail already negotiated funded student loads.
- A nationwide 24 hour strike by academics shuts down most Australian campuses in the most serious industrial dispute to hit higher education.

November

- After the failure of talks aimed at ending the industrial dispute, the NTEU bans the release of exam results and recommends other bans. Two weeks later, the bans are lifted and the AHEIA and NTEU enter conciliation conferences to continue into 1994.
- NSW government launches a strategic plan for higher education aimed at redressing what it sees as inequitable national funding, signalling its intention to play a more active role in higher education.
- Beazley flags controversial new principles for allocating university funding in line with his earlier comments that growth funds would be restricted to outlying campuses in areas of high population growth. The new criteria includes employability of graduates, commitment of state government resources equity group success rates and the meeting of school leaver enrolment targets.

December

- DEET and AVCC oppose calls by the federal auditor-general for tougher use of the profiles process to police universities' expenditures.



And down where it all matters, Victoria U of Wellington was towing them away

Victim of electronic mail libel awarded \$40,000 damages

By DUNCAN GRAHAM

A man who was libelled on an international computer bulletin board was awarded \$40,000 damages yesterday in the Supreme Court of Western Australia.

It is believed to be the first time a successful defamation action has been taken in Australia over material published on an electronic mail system.

Dr David Rindos, an anthropologist who was acting head of the Department of Anthropology at the University of Western Australia, was the subject of a damaging computer message last June written by Mr Gilbert Hardwick, an anthropologist working in the Kimberley region.

Mr Hardwick sent a message to the DIALx science anthropology world-

wide computer network bulletin board denigrating Dr Rindos, who was seeking to get tenure at the university. About 23,000 computers have access to the board, which is used by most major universities.

Mr Hardwick's comments included allegations that the university's Anthropology Department supported Aboriginal land rights against mining companies, which was the subject of "an ongoing political campaign".

In his judgment, Judge David Ipp said he accepted that Mr Hardwick's comments "give rise to an imputation that the plaintiff [Dr Rindos] engaged in sexual misconduct with a 'local boy'".

"I also accept that the message contains the imputation that the plaintiff's professional career and

reputation has not been based on appropriate academic research but on 'his ability to berate and bully all and sundry'," Judge Ipp said.

"This seriously denigrates his academic competence.

"These defamatory remarks were published in academic circles throughout the world ... the nature of the remarks is such that they are likely to be repeated and that any rumours of a like kind that had circulated previously were likely to gain strength from their publication."

Mr Hardwick did not defend the action.

Judge Ipp said Dr Rindos was dismissed from the university last June after a committee recommended that he be denied tenure on the grounds of insufficient productivity.

Australian, 5 April 1994

^{p. 21} Award for bulletin board libel claim

By JOE POPRZECZNY

THE West Australian Supreme Court has upheld a claim of libel against a contributor to an international bulletin board in what is believed to be the first case of its kind in Australia.

The court also awarded the plaintiff, Perth anthropologist Dr David Rindos, \$40,000 in damages, one of the largest libel judgments in the State in the past few years.

Dr Rindos, a former University of Western Australia academic, had sued Mr Gil Hardwick, a consulting anthropologist based in the State's north-west over an entry in the DIALx science anthropology computer bulletin board last year.

Dr Rindos alleged the entry contained five separate defamatory claims, including sexual misconduct and lack of professional competence.

Mr Hardwick did not defend the claim and Dr Rindos was awarded the judgment by default.

Two weeks ago Mr Justice Ipp heard evidence on the question of damages and last week handed down his written decision.

The judge accepted the entry did contain the claims of sexual misconduct and lack of professional competence but rejected the three other defamatory claims.

He also held the defamatory claims had caused serious harm to Dr Rindos's personal and professional reputation.

"I am satisfied the publication of these remarks will make it more difficult for him (Rindos) to obtain appropriate employment," Justice Ipp said.

"In all the circumstances I consider that the plaintiff should be awarded the sum of \$40,000 in respect of damages.

"I also consider that the plaintiff should be awarded interest on that sum at the rate of 8 per cent per annum from September 9, 1993."

The court was told that about 23,000 people worldwide had computer access to the DIALx science anthropology bulletin board, and messages could remain on a subscriber's computer for several weeks.

Gagging the lecturers

Academics must watch what they say or they may risk costly defamation actions

BY GEOFFREY MASLEN

An alarming rise in defamation actions against Australian academics has raised questions about their freedom to speak out on controversial issues or to criticise the credibility of their colleagues. Academics have now been warned to take greater care when making public remarks about others, following a recent spate of court actions.

Michael Floyd, claims manager with Unimutual, a general insurance scheme run by a consortium of Australian and New Zealand universities, says: "We are urging all lecturers to be mindful of the possibility of defamation when preparing their speeches for conferences."

Floyd says there has been a sharp increase over the past two years in libel cases involving Australian academics. Unimutual is now involved in at least six cases of defamation. It has sent a circular to its member institutions advising vice-chancellors that they should warn their staff of the dangers of being too outspoken.

In one instance, an Australian academic was invited to give a paper to a conference in the United States and, in the course of his address, made comments about an American professor. The professor heard about the speech, obtained a tape recording of it and the discussion that followed, and sued. The case is before an American court and has dragged on for two years, costing Unimutual more than \$250,000 so far in legal fees.

Agonising: Floyd refuses to reveal the identities of the parties involved because he says the litigation has proved agonising for the academic being sued and publicity "would only exacerbate the matter further". He says Unimutual expects to win the case but, as US laws do not allow for costs to be awarded, the company will not recover its expenses.

"We realise that when a speaker is asked to present a paper at a conference on a subject in which that person is a specialist, he or she is under an obligation to present the facts as learned from their

experience or research. But any academic preparing a speech should ensure that the contents do not defame another person."

In his circular to vice-chancellors, Floyd strongly recommended that academics invited to speak at outside conferences should ensure the organisers take out defamation cover to indemnify the speakers and their organisations. While Unimutual provided such cover, it should not have to "shoulder the burden that ought to be taken by the conference organisers".



In the first case of its kind earlier this year, the West Australian Supreme Court awarded \$40,000 in damages to anthropologist David Rindos. The court found that comments broadcast about him on the global computer network Internet by a fellow anthropologist were defamatory. That made Rindos the first academic in Australia, and probably in the world, to win a libel case for allegations published electronically. Rindos

plans further legal action against several former colleagues at the University of Western Australia, whom he claims libelled him.

Defamation cover in Australia has traditionally been important because of the number of universities with commercial book publishing operations. Several institutions have also established centres for independent journalism and the topics covered are often controversial. But Floyd says recent attention has shifted to academics who are guest speakers at specialist conferences organised by groups unconnected with their universities. Unless the speakers are careful about what they say, they are increasingly likely to attract writs for defamation.

Expert: Academics are also at risk when providing advice as consultants to outside organisations. It is now common for business and industry groups to seek expert opinion from university staff but if that advice is faulty or wrong, academics may be sued for professional negligence, Floyd says.

Unimutual was set up in 1989 to provide universities with cheaper insurance than that available through the private sector. The scheme now has 25 member institutions, including five in New Zealand. All Australia's biggest universities are involved, except Monash in Melbourne. Those participating in Unimutual have a total of \$14 billion worth of general insurance cover. As well as protection against property damage and theft, the policies include personal liability cover for academics in their institutions, when they deliver papers at outside conferences or if they give advice in their professional capacities.

"It is certainly the case that people everywhere are now more aware that they can make money by taking someone else to court," Floyd says. "It's a sad reflection on the times, though, when academics are unable to speak freely about matters on which they are expert because of the fear of being sued." ■

Role of visitor may determine sacking case

By MAUREEN DE LA HARPE

THE case of sacked University of Western Australia archaeologist Dr David Rindos, which was recently revived in state parliament through a series of questions from a local MP, has renewed interest in the role of the so-called 'visitor' in handling complaints within universities.

Rindos has appealed against his dismissal to WA's Industrial Relations Commission, but the university is arguing that, as it has a procedure (which includes access to the visitor) for handling matters of this nature, the case should not be heard by the commission.

The commission is expected to make its decision soon on which forum will hear the appeal.

The university visitor belongs to an English tradition dating back several hundred years and seldom used these days. In English universities the visitor is the monarch, and in Australia the monarch's representative, the State Governor — although this authority is sometimes delegated to a judge.

UWA has recorded only one significant case in the past 14 years.

The position of the visitor at the University of Western Australia was established under an act of parliament, and provides an avenue of appeal similar to that of the High Court.

According to Ms Lesleigh Green, director of development at UWA, "An appeal to the visitor is considered an alternative to other civil avenues.

"Having gone to the visitor and the visitor having made a judgement, that judgement is considered final and, in effect, prevents subsequent recourse to civil avenues of appeal."

She stresses that it is a purely voluntary procedure open to both staff and students.

Rindos claims, however, that he was unaware of the existence of this avenue until several months after his dismissal.

"I would have thought the university would have said in the letter of dismissal that if I was dissatisfied I could pursue this avenue. I would have thought that would be a normal procedure," he said.

Rindos argues that by the time he knew of the existence of the visitor, he considered the process of an internal appeal no longer open to him.

"I can understand why they would have wanted the case to be handled by the university because it would be more confidential," he said.

Rindos claims the university authorities judged him without giving him a chance to defend himself, arguing, "I was not allowed to appear before any of the committees".

Earlier this month, Labor Opposition MP Mark Nevill tabled a number of questions relating to Rindos' case in the upper house.

He questioned the procedures used by the university in handling the matter, and queried actions taken following the results of internal investigations regarding academic and sexual impropriety.

Nevill also raised the matter of a secret file, and asked about the disappearance of documents supporting Rindos' case.

He told *Campus Review* that his motive in tabling the questions was to ensure Rindos received fair treatment and natural justice.

Should the Industrial Relations Commission decide against hearing his case, the American-born archaeologist, who claims to have received widespread support from academics around the world, intends to pursue the matter.

"I don't particularly care what path I have to follow, I just want to see justice done — and the facts are incontrovertible. My case is strong," he said.

Rindos this year won \$40,000 damages in the West Australian Supreme Court for defamation arising from an entry on the internet.

HIGHER EDUCATION

FOI staff to investigate uni

By JOE POPRZECZNY

TWO West Australian Government freedom of information officers are likely to visit the University of Western Australia to inquire into the whereabouts of a series of documents sacked archaeologist Dr David Rindos believes have not been released despite requests to the university.

The documents were requisitioned by Dr Rindos, who said he needed them for planned legal action against the university and several senior academics and administrators.

The university's FOI officer, Mr Keith Chambers, told 12 academics and

administrators in a memo last month that they and any of their staff who had been involved in providing documents could expect visits from government officers.

Vice-chancellor Professor Fay Gale said yesterday that visits by FOI officers were "perfectly normal procedure".

She said Mr Chambers had been handling document requests, and the university believed all the available information had been supplied.

Academics and administrators alerted to the impending visit included the registrar, Mr Malcolm Orr, and the heads of several divisions and teaching departments.

Dr Rindos has so far requisitioned

and received more than 1000 documents from the university under the State's new Freedom of Information Act, but he said he was denied some documents he claimed were essential for his case, and said others seemed to have gone missing.

He is fighting in the West Australian Industrial Relations Commission for reinstatement to his position as senior lecturer, but the university has challenged this move, claiming the matter should instead be heard by the university Visitor.

Mr Chambers stated in a memo: "Since receiving Dr Rindos's original request for access to documents under the FOI Act, I have requested the provision of documents held by you and

your staff which might fall within the ambit of his request.

"A large amount of that information has been provided in full or in edited form to him. I have also denied him access to some 30 odd documents."

Mr Chambers stated that Dr Rindos had appealed to Mr Orr against denial of the documents.

"Dr Rindos has also identified a series of documents which have neither been provided to him nor accounted for by me," Mr Chambers stated.

"The documents vary considerably in nature, and while I intended to re-search the documentation held by me I am not optimistic that this exercise will be fruitful."

IRC may hear Rindos case

By MAUREEN DE LA HARPE

Dr David Rindos, the American archaeologist sacked by the University of Western Australia in 1993, has not abandoned the fight to clear his name.

Rindos appealed against his dismissal to the State Industrial Relations Commission, and expects to receive a judgement, some time this month, on whether the commission will hear his case. He is optimistic of a positive result, although the university is arguing that, as it has a procedure for handling such issues (including access to the Visitor), the case should not be heard by the commission.

In August last year, State Labor MP Mark Nevill asked 18 questions, relating to Rindos' dismissal and the administration of UWA's archaeology department (now defunct), in state parliament. The university responded in December, claiming that proper procedures were followed and that no 'secret file' was held on Rindos. Nevill is not satisfied with the answers and intends to pursue the matter.

He is currently seeking access to the Hotop-Clyde report, one of two reports into the administration of the archaeology department. "It contains recommendations — about the management of the department and equity issues — that I am particularly interested in," he said.

In the meantime, Rindos has sought and gained access (through freedom of information channels) to a number of documents needed to support legal action he is taking against an academic, but he claims that others have either been withheld by the university or appear to have gone missing.

He is now awaiting next week's FOI hearing into his appeal for the release of more documents. "The judgement will speak to the missing documents, the refused documents and the 'suddenly disappeared' documents," he said.

Dispute rules put in doubt

By JOE POPRZECZNY

A WEST Australian Industrial Relations Commission ruling has raised questions about the long-term future of the position of visitor in industrial relations and other disputes.

On the face of it, the ruling, which directs a sacked University of Western Australian lecturer to the university's visitor, merely established that the commission had no right to hear complaints from UWA academics about unfair dismissal.

However, the handing down of the decision last week has prompted speculation that it has far broader implications. Commissioner George ruled that the commission did not have power to adjudicate in a case involving the 1993 dismissal of archaeology lecturer Dr David Rindos.

What began as an academic argument now seems poised to develop into a broader industrial relations issue.

The decision on the case, heard in June 1994, was handed down 18 months after Dr Rindos initially applied to overturn UWA vice-

chancellor Professor Fay Gale's decision to sack him.

The commissioner ruled that a section of the WA Industrial Relations Act "specifically excludes the commission from exercising jurisdiction" because an alternative avenue, the visitor, had the power to consider and rule upon "allegations of wrongful dismissal and requests for reinstatement".

The university visitor is the Governor of Western Australia, Major-General Michael Jeffery.

The president of the UWA Staff Association and State branch of the National Tertiary Education and Industrial Union, Ms Sandra Penrose, said she would ask the union's national office for detailed consideration and advice.

"Our union has never regarded as acceptable the role of the visitor in dismissal cases or other serious industrial matters," Ms Penrose said.

A university statement said Commissioner George's decision had been noted.

"The university has consistently

maintained that jurisdiction on Dr Rindos's case of unfair dismissal does not rest with the Industrial Commission and is pleased that the commissioner's determination has vindicated its position," the statement said.

Interestingly, in the same month — last June — that the university successfully put its case to Commissioner George, Professor Gale, as a member of the West Australian Higher Education Council, formally recommended with the State's three other vice-chancellors that the Governor be stripped of his judicial role as visitor.

Writing to the State Education Minister, Mr Norman Moore, the vice-chancellors noted that "in view of the emergence of alternative mechanisms for dealing with a range of issues, the judicial role of the visitor had, to some extent, become anachronistic. It was yet another avenue for redress."

A resolution was passed calling for "the abolition of the role of the visitor in a judicial capacity".

Last week Dr Rindos's lawyers

formally wrote to Government House, beginning his visitorial appeal. Dr Rindos said: "I'm happy that after being tied up with procedural matters since late 1993, my case will finally be heard by the visitor, who can look at the whole range of problems surrounding archaeology at UWA."

The dispute began in 1991 with an inquiry into UWA's archaeology department. This resulted in its incorporation into the anthropology department.

Former archaeology head Professor Sandra Bowdler faced another inquiry, conducted by law Professor Stan Hotop and former deputy vice-chancellor Professor Douglas Clyde. Their findings have not been released.

While the university has consistently maintained that Dr Rindos's sacking was unconnected to the events in archaeology, Professor Gale's dismissal letter included an allegation that he could not get along with Professor Bowdler.

His dismissal has prompted complaints and protests from more than 50 internationally renowned archaeologists.

Dispute rules put in doubt

By JOE POPRZECZNY

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Rindos case bound for visitor

Campus Review, 2-8 March 1995, p. 4

By MAUREEN DE LA HARPE

THE case of American archaeologist Dr David Rindos against the University of Western Australia will not be heard by the WA Industrial Relations Commission.

The commission handed down a ruling last week stating that Rindos' application was dismissed 'for want of jurisdiction'. It ruled that because the university provides an avenue of appeal, the provisions of which are laid down in law, the commission is excluded from exercising jurisdiction in the case.

The avenue provided by the university is via the University Visitor, a role traditionally filled by the state governor (currently Major-General Michael Jeffrey) who has general jurisdiction over disputes relating to internal affairs — including allegations of wrongful dismissal and requests for reinstatement.

Rindos, who is seeking reinstatement and reimbursement of wages and entitlements lost following termination of his contract, claims that after his dismissal he was advised the university might seek to bar him from going to the Visitor on the grounds that his contract had

been terminated and that he was no longer a member of the university. He referred his case to the Industrial Relations Commission instead, and now says he is relieved that, after 15 months of procedural motions, it will finally be heard.

"The university has told us and the Industrial Relations Commission that the Visitor is the appropriate forum," he said. "The Industrial Relations Commission has accepted their statement, so we will take up the university's invitation and present our case to the Visitor as we have been instructed."

"The great advantage for us, of course, in going to the Visitor is that the issues raised by the overall handling of the problems in archaeology at UWA can be considered. The Visitor, unlike the Industrial Relations Commissioner, can hear the most important issue of all. I believe we shall easily prove that natural justice was denied me at every turn, and therefore the decision of the vice-chancellor was grossly unjust, harmed a totally innocent person, and should be set aside."

In response to a claim by Rindos that the UWA vice-chancellor last year "recommended in

a different forum that the Visitor should be stripped of all judicial functions", Professor Fay Gale said she had never made any such recommendation, nor had the senate (the governing body of the university) debated the issue in the past three years.

Labor MP, Mr Mark Nevill, who raised a number of questions about the Rindos case in state parliament last year, said he was appalled by the length of time taken by the IRC to reach a decision (the application was submitted in November 1993).

"There should be some explanation from the IRC regarding the long delay. I understand the university was going to take it to the Supreme Court — if not a higher authority — if the IRC decided it had jurisdiction. Was it the threat of an appeal that caused the delay?" he asked.

Nevill said that the substantive issues in the case had still to be addressed. "I will be pursuing the case relentlessly over the next 12 months until I am satisfied that the vice-chancellor and the university have acted fairly in this matter, and at the moment I am far from convinced — from the information I have received — that that is the case," he said.

Visitor's role

IN *Campus Review* (March 2-8) Vice Chancellor Professor Faye Gale said "she had never made any recommendation" that the Visitor be stripped of judicial powers.

Her claim is contrary to the facts. At a meeting of the Western Australian Higher Education Council held on June 22, 1994 – just one week after the uni-

versity argued that the Visitor was the proper judge for [David] Rindos's case – Professor Gale as vice chancellor of the University of Western Australia, in concert with the other vice chancellors in the state agreed to the following (as quoted in the minutes):

"Reference was made to . . . the fact that in view of the emergence of alternative mechanisms for dealing with a range of issues the judicial role of the Visitor had, to some extent, become anachronistic. It was yet another avenue for redress after all other avenues had been exhausted. The role of Visitor in New South Wales universities had been abolished. The former Chief Justice and Governor, Sir Francis Burt, had already delivered an address to (UWA's) Convocation on the topic. It was resolved:

Resolution 6/94

to express general support for the abolition of the role of the Visitor in a judicial but not a ceremonial capacity."

That the vice chancellor of UWA neglected to consult, or report her recommendation to the governing body of her university, as she apparently believes she should, was not raised by me or Dr Rindos. The vice chancellor of at least one other Western Australian university did however report on this matter to his university. Perhaps Professor Gale did report to the UWA Senate, but she doesn't remember this either? This is not the first time Professor Gale proves herself less than fully informed about the facts relevant to Dr Rindos's case. To give just a few examples: in a formal meeting held

shortly after she (in my view unjustly) sacked Rindos, she proved herself unaware of important and relevant facts regarding a matter as simple as his departmental affiliation.

Also in a public letter to all staff at UWA she referred to allegations about unspecified "matters of serious concern" involving "personal relationships between staff and students" – the relevance of which to Dr Rindos and others concerned about this issue, still remains unknown despite repeated requests for details. Oddly, Professor Gale adds to the confusion by saying that she did not take these matters in to account in denying Dr Rindos's tenure. Why then was the issue raised? Also of concern is the number of documents supporting Dr Rindos's case, including written communications between herself and Dr Rindos, which cannot be found in the university files.

The vice chancellor's command of some of the basic facts should be taken into account when evaluating her various claims and allegations about Dr Rindos's academic record and performance at UWA. There seems little doubt that Dr Rindos is a good scholar and teacher; this is the uniform judgement of his academic peers both in Australia and overseas.

When Parliament resumes, as a former scientist I will be dealing with the quality of some of his protagonists work in archaeology in Western Australia.

Mark Nevill MLC
Member for Mining & Pastoral
Region
Kalgoorlie

GHIER EDUCATION

Former UWA lecturer wins release of letters

By SIAN POWELL

THE West Australian information commissioner has ordered the University of Western Australia to release four documents and parts of two others to an academic who left the institution after a bitter disagreement two years ago.

The commissioner dismissed the university's argument that unless such documents remained under the cloak of confidentiality, academics would be unable to make "unfettered" comments.

The commissioner said this argument was inconsistent with the ethical standards expected of professionals in the academic world.

Former archaeology lecturer Dr David Rindos applied for the documents under Freedom of Information legislation, following the decision of the university in June 1993 not to grant him tenure because of alleged "insufficient productivity".

The decision followed a difficult departmental merger, and a longstanding clash between Dr Rindos and the former head of the archaeology department, Professor Sandra Bowdler.

The case has received wide publicity, particularly in Western Australia, where Dr Rindos has made allegations of victimisation by what he has called

"hard-core, radical, separatist feminists".

In her judgment, Commissioner Bronwyn Keighley-Gerardy found that although UWA did give Dr Rindos more than 500 documents that he had applied for under the legislation, it refused to give him certain documents that it claimed were exempt under the Act for various reasons.

This left 14 existing documents in dispute. The university had claimed that certain of these documents were covered by exemption clauses in the FOI Act because their release would "reveal information of a confidential nature obtained in confidence" and their disclosure "could reasonably be expected to prejudice the future supply of information of that kind to [the university]".

The university contended that some of the documents — a tenure report and some letters — were exempt under the above clause because "it is imperative that the members of the discipline and profession are able to make free and unfettered comments ... [about] their colleagues who aspire to promotion and appointment".

But the commissioner rejected this argument — that academics would only make honest but adverse comments under the cloak of confidentiality — and said it was "inconsistent with the ethical standards expected of professionals in the academic world".

"Further," she said, "it is not supported by any credible evidence before me."

The current deputy vice-chancellor of the university, Professor Alan Robson, said the university had changed the practice of confidentiality some 18 months ago, and academics were now shown reports written about them.

"We don't have a problem with academic staff seeing what their supervisors say about them," he said.

However, the disputed documents, he said, were written in confidence and should remain in confidence.

Professor Robson said the university probably would not appeal against the commissioner's decision.

The commissioner supported the university's withholding certain documents and parts of documents — all letters to the vice-chancellor, Professor Fay Gale — because "they contain sensitive personal information, including serious allegations about a party other than the complainant".

Dr Rindos said he felt "100 per cent vindicated" by the commissioner's ruling.

"It is a direct frontal attack on the notion of secret proceedings in universities, whether to do with tenure, performance, or equity," he said.

Dr Rindos's lawyer is preparing an appeal to the university Visitor against the decision to refuse him tenure.

Rindos plea

I WRITE to add my small voice to the thousands of scholars who are utterly outraged at the grossly unfair treatment Dr David Rindos has received at the hands of the University of Western Australia.

I can not fathom the thinking that resulted in the decision to deny tenure to such an outstanding scholar and a person who was courageous enough to say and do what needed to be done in the matters which triggered the decision.

I am reminded of the reputed habit of the ostrich. Like the proverbial ostrich, the University of Western Australia has attempted to bury its head in the sand while hoping the world will quit looking.

While it is obvious that the UWA's head is actually buried in shame, what is exposed for the world to see is metaphorically apt.

I call upon the University of Western Australia to restore honour to your besmirched corner of academe and to reverse the decision regarding David Rindos.

Academic history has a very long memory in such unmitigated breaches of civility.

**Stephen L. Black, Research archaeologist
Texas Archaeological Research Laboratory
University of Texas at Austin**

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OCTOBER 29, 1995

THE WEEKEND AUSTRALIAN

REVIEW

Edited by Shelley Gare



Titanic struggle: David Rindos, left, and Sandra Bowdler — both are described as strong, colourful personalities



Pictures: Neil Elliot

Bowdler and Rindos started off well. There are photographs of them at dinner with their respective partners, eyes smil-

— holding seminars at the local hotel — and keen to build his own fiefdom, once boasting that he would make a better

Vanishing

Archaeologist David Rindos arrived at the University of Western Australia with an international reputation. His female professor had climbed high, too. They called it the clash of the Titans. He lost, and his world collapsed. Did he hang himself — or was he expunged for challenging the regime? **Kate Legge** investigates

THE latest edition of a Private Eye-style rag that circulates at the University of Western Australia spoofs a ribbon-cutting ceremony in honour of American academic Dr David Rindos. Those familiar with the fate of this man know the university would steam clean him from its pores if such purging was possible but, as with Lady Macbeth scrubbing her blood spots, the stain has smeared the institution's psyche.

Former deputy vice-chancellor Professor Robert Parfitt believes the satirical newspaper, called Rumpus, is symptomatic of deep disillusion within the academic community over a very public clash that keeps picking away at the university's soul like a child at a scab.

Rindos was appointed to a tenurable post in archaeology at UWA with a glittering international reputation and was denied tenure four years later in an unprecedented decision. Parfitt describes the case as a sordid episode that has done untold damage to the reputation of the State and its tertiary jewel.

Protagonists on both sides remain severely traumatised by events. Many of the students and academics have moved interstate or overseas, but the mere mention of the affair leaves some individuals physically sick and emotionally disturbed. Their reactions to revisiting the story were either "Thank God" or "Oh God", depending on whether they cast Rindos as a courageous messenger who paid dearly for sounding the siren or as the disruptive perpetrator of his own downfall.

Professor Parfitt was an early player in the affair. He acted promptly when three female members of archaeology came to him, complaining of inequitable treatment in the department. Rindos then confirmed their stories with tales of his own. One was a PhD student who had

been involved as an undergraduate with the female head of department and who now felt badgered and intimidated.

Shocked by what he heard, Parfitt moved swiftly, initiating moves to get them all out of archaeology and into another department. When he resigned to work overseas he was confident the matter would be resolved. An internal review of the department echoed Parfitt's alarm, with urgent recommendations calling for a proper investigation of "highly disturbing and serious allegations of misconduct". But a full-scale inquiry was never held, despite repeated warnings from the review's convener that it would be dangerous to close the files on this case, and later Rindos was effectively dismissed. Academics here and overseas cried foul. They believe he has been the victim of a grave miscarriage of justice.

Local reporters were in pursuit. "Lesbian mafia", panted a headline in the State's weekly Sunday Times.

Earlier this year Parfitt wrote to the head of the West Australian Office of Higher Education, expressing shock and disbelief at what had happened. "To my knowledge he is a sound academic who behaved professionally at all times... the whole sorry episode is bringing the State into disrepute."

AFTER the freezing chill of a Michigan winter, Rindos could not believe that Perth in mid-1989 was as cold as it gets.

He was new to the country and new to his post as senior lecturer in archaeology. Six months into the job he took over as acting head from Professor Sandra Bowdler, who was on a year's study leave.

During her sabbatical he became troubled by a number of administrative practices that tied in with student complaints of inequitable treatment.

He was bothered by perceptions that the department comprised of an inbred group with a small staff that included present and former girlfriends of Bowdler and several of her former students.

Rindos is no homophobe. He is proudly gay. But he took seriously student concern that academic fortunes hinged on membership of an "inner circle".

Rindos had no idea at the time that his predecessor, Associate Professor Sylvia Hallam, a founding member of the department, had resigned because in her view personal prejudices were seen to influence a range of decisions in the department, from the purchase of library books to research grants. Hallam went quietly. Rindos imploded.

The university is adamant due process was followed and the candidate given every opportunity to perform. Rindos believes he was penalised for protesting against alleged inequities affecting himself and others.

His three-year probationary term became an extraordinary obstacle course of institutional harassment, from the petty annoyance of opened pay slips, memo blitzes and shoddy office furniture

to the severe dislocation caused by shunting him between departments.

Following the internal review, archaeology lost its autonomy and was submerged into the bigger empire of anthropology, where Bowdler remains on a full professorial salary without the administrative load. The catch she had once crowed about to faculty deans with adjectives such as "brilliant" and even "genius" is unemployed, with the ignoble distinction of being the first academic to be denied tenure in the history of UWA.

Rindos is appealing to the highest jurisdiction, the University Visitor, who is the State's Governor. Not content with old-world remedies, he has taken to the information superhighway, with regular Internet postings about the case to subscribers on an anthropology mailing list.

□ □ □ □

RINDOS was a mature-age graduate of prestigious Cornell University in the United States, and attracted world attention with his book *The Origins of Agriculture*. He is an enthusiastic teacher who is known for his sweat-soaked shirts and original methods of popularising science. An admirer once joked affectionately that Rindos was raised by wolves, but Professor William Provine of Cornell describes him as a "deeply caring person who respects his students and colleagues".

Bowdler is just as unorthodox. A lesbian who rose to prominence in patriarchal institutions, her prickly style is attributed by friends to her apprenticeship in the cut-glass academic environment of the Australian National University's Research School of Pacific Studies. At the University of New England, where she worked prior to Perth, relations with one senior staff member in an adjacent office became so shaky the pair did not converse for more than a year.

There are stories of Bowdler shouting at people — her allies concede she can be "a bad-tempered old cow" — and denigrating opponents with terms such as "f... wit", but friends say her disparaging manner can be most amusing.

Bowdler and Rindos started off well. There are photographs of them at dinner with their respective partners, eyes smiling, glassware twinkling. But within a year of his arrival the relationship deteriorated.

In November 1990, while still on study leave, Bowdler called a departmental meeting, where she attacked Rindos's theoretical approach to the discipline. "You are not a real archaeologist," she allegedly shouted. "You don't have dirt under your fingernails." Her primal scream stunned him. The genius she had recruited was now mud. A month after her official return she provided him with an extremely damaging and "confidential" critique of his work that was then put in his personnel file and circulated to at least one other person.

How had Rindos fallen so far from grace so fast? There had been tensions with other members of staff over the allocation of work and the hiring of tutors. Staff loyal to Bowdler say Rindos was a disruptive influence. They say he was unprofessional

— holding seminars at the local hotel — and keen to build his own fiefdom, once boasting that he would make a better departmental head.

They argue that he was so stung when Bowdler reasserted her authority and criticised his performance that he began choreographing a student revolt. He denies this and senior academics familiar with the complaints rejected, after consideration, any possibility of an orchestrated campaign.

One former staff member, who remained loyal to Bowdler while critical of her idiosyncratic style, described what happened as the clash of the Titans.

The analogy is tempting with two such strong colourful personalities, but Hallam argued in a letter to the university's vice-chancellor that it would be a serious mistake to view the department's strife as a personality conflict.

Rindos left no trail of personnel dis-

Continued — Page 2

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Those of us with an unswerving, indeed unreasoning affection for the Leader hope that this event can be long delayed, occurring well into the next century. Nonetheless, we're intrigued by thoughts of the various subcommittees toiling

executed, either by the voters or their colleagues. Prime ministers and premiers, usually men and sometimes women in their prime, find themselves unemployable. Oh, for a few weeks television managements might flirt with them and

there, as are both Gladstone and Disraeli. And Harold Wilson was there for decades, albeit afflicted with Alzheimer's. Thatcher was made a baroness and is still treated with considerable respect — her greatest problem being that her son,

he was, indulging in raucous eulogies at his long overdue funeral. Then there was Reagan who, while lying on his near-death bed still recovering from his wounds, did gung-ho, gun-ho endorsements of the NRA, returning to

you couldn't really trust him to establish a library because he'd be forever trying to bonk the librarian. Which is a shame, given that, by all accounts, Bill's the best read president in 40 years.

historic statue. Not in bronze or marble, but in person. In, by all means, a dignified pose. And if any of the buggers complain, simply remind them that it worked well with Lenin.

From Page 1

turbances at his four previous postings. He says that problems arose at UWA when he became aware of certain administrative practices that tied in with student grievances about the running of the department. As Hallam put it much later in her submission to a review of the department: "Whether or not justice has always been done, it has not always been seen to be done."

Archaeology had a history of staff conflict and student agitation over fair play ever since its inauguration in 1983. Hallam says she had a number of concerns in 1988 when the department underwent its first review, but she did not raise them because, as a founding member of this fledgling outfit, she did not want to jeopardise its survival and, second, she could not document her suspicions of inequitable treatment.

Rindos was not so retiring and in December 1990, 18 months after his arrival, he sought the advice of the then head of division, Professor Charles Oxnard, on how to handle several matters. Other senior administrators within the university could sniff volcanic ash in the breeze. When Bowdler officially returned from study leave, three female PhD students from archaeology went to see the deputy vice-chancellor, Parfitt, with allegations of a sort he said he had never encountered in 30 years of university administration.

He interviewed them all in the presence of a witness and later spoke with Rindos. He was sufficiently alarmed to facilitate the transfer of students to Rindos's supervision. Shortly afterwards Oxnard arranged for them all to be relocated in the geography department.

These senior administrators nominated archaeology for an internal review in 1991 that was convened by Professor Neville

Bruce, of the anatomy and human biology department, and Professor Bernard Moulden, of psychology. Surveys of students drew a high response and the three-member review team interviewed 34 people.

What they heard distressed them, but their report, for legal reasons, was deliberately circumspect in recommending that the vice-chancellor urgently investigate management practices and examine, with an equity officer, purportedly inequitable behaviour in the department.

IN a confidential letter to senior university administrators, Bruce and Moulden sought to relay the gravity of the situation, referring to allegations that were "sufficiently numerous, sufficiently consistent and potentially sufficiently damaging to the ideals and reputation of the university" that to ignore them would be to risk "grave injustice".

"It was alleged that a number of graduate and undergraduate students had had sexual relations with a member of staff and that this had been followed by favoured treatment of some (in terms of grants and jobs) and apparent victimisation of others (including public ridicule and denial of fair opportunity). It was alleged that an environment had been fostered in which cynicism and ridicule were used to promote certain theoretical approaches and denigrate others and that this stultified free academic exchange, damaged academic reputations and integ-

rity and ultimately severely retarded academic growth, particularly of some promising postgraduate students."

They favoured a properly constituted inquiry to hear evidence so that the allegations could be substantiated and acted upon, or dismissed and action taken to clear individuals. This was never done. Instead vice-chancellor Fay Gale gave two senior academics what one has since described as a "very carefully circumscribed" brief to review written statements submitted by staff and students, many of them for the second time. The university says the majority were pro-Bowdler. No one was interviewed. The allegations were not investigated. The report was never released. To this day, those who made complaints feel aggrieved and disillusioned.

One of the three PhD students transferred to geography had had an affair with Bowdler as an undergraduate, but the experience so troubled her that she left UWA and completed her first degree interstate. Homesick for friends and family she later returned to do her doctorate but, two years into her thesis, she became traumatised by what she alleged to be instances of victimisation and interference with her research.

She says she discussed these matters with the campus equity office, but verbal reports do not constitute a formal complaint. She then raised them with Parfitt. When she appeared before the archaeology review and one of the committee members noted that the university had no record of formal complaint, she erupted. She says she grabbed her submission and scrawled across the top in capital letters: "THIS IS A FORMAL COMPLAINT". In fact it wasn't. Her submission was destroyed with the others provided to the first internal review. Later she resubmitted it to the second "inquiry", but heard no more.

Bowdler says she was never asked to respond to specific allegations. She says the vice-chancellor merely asked her a series of general questions, such as "Was I determined to get my way at all costs", and seemed happy with her responses. "I was scratching my head to answer them," she says.

"I don't think I've unfairly impeded someone's research. You don't always get on with everybody for a whole range of reasons, from deep philosophical differences or the way they comb their hair. But if you fall out with a supervisor you change." She denies using arbitrary standards for processing postgraduate applicants. "If you call obstruction looking at someone's academic record ... there's no other reason." She agrees that she had screamed at colleagues, but says she didn't make a habit of it. "I don't personally think I have victimised people," she

says. "People don't like me because I have strong opinions. I'm a lesbian. I'm outspoken. There still aren't many women professors."

"If you are one, you are expected to be a sherry-sipping, cashmere-jumpered blue-stocking. I've been victimised as much as anybody else in this saga."

Her supporters question whether anyone would have cared about her relationships and her administrative style had she been a straight male.

Others suggest she has been protected from scrutiny in this affair because she was one of a very few senior women in an environment hypersensitive to affirmative action.

The university granted extensions and

Whether or not justice has always been done, it has not always been seen to be done

extraordinary funds to the three postgraduate students in geography, recognising disruptions due to factors outside their control. But the students say this failed to address root problems and the academic principles at stake. One eventually withdrew her PhD candidacy in protest at the university's failure to act. She is now enrolled overseas, but feels her academic career and self-esteem have suffered.

Only one of the students completed her doctorate. "They called us the refugees," she says, referring to the relocation of Rindos and the three PhDs. "But we were the revolutionaries. We stood up and said: 'Enough'."

Rindos was granted administrative extensions to his three-year probationary period, but the university took parallel actions that made his task superhuman. The move to geography was meant to provide protection and a stable research environment, and for a short time they made progress under the pastoral supervision of Oxnard, with the head of geography commenting favourably on Rindos's presence. Three new PhD students applied to join him, including one who came from The Netherlands for the privilege.

But after nine months' respite in geography, the principals who had engin-

eerred a refuge for Rindos abandoned their posts — Parfitt retired as deputy vice-chancellor and Oxnard resigned as divisional head. The arrangements made to assist him were dismantled. Rindos was shifted back to archaeology but kept segregated in a makeshift office in the campus radio station, with no departmental support or resources as basic as a photocopier.

Archaeology was then merged with anthropology, but Rindos was excluded. Deprived of departmental affiliation, he occupied an academic limbo land — institutionally isolated, of no fixed abode.

He was denied new postgraduate students. His teaching load was reduced dramatically. And rumours that tenure would be denied him were rife. Internal university memos obtained under the Freedom of Information Act reveal discussions aimed at managing denial of his tenure up to six months before his probation expired. The State's FOI commissioner ruled last year there was insufficient evidence to determine with any certainty whether Rindos had been counselled on his performance.

Rindos faced endless irritants. Equipment he required for his remaining classes became unavailable. He was called to answer several charges, including one of plagiarism, which was found to be without foundation; a sexual harassment complaint, which was dropped; and a claim that he had used the Internet for pornography, which was not supported by evidence. He suffered severe stress. He was asked to make endless amendments to his activity report justifying permanency and, not surprisingly, his productivity suffered, providing critics with the whiff of grapes needed to uphold denial of tenure on academic grounds. Even so, the tenure review committee was hard pressed to substantiate its case given the sheer weight of international support for Rindos and the significance of his work.

A Who's Who of about 50 archaeologists around the world wrote to the vice-chancellor, commending Rindos's scholarship.

Professor Lord Renfrew of Cambridge University stressed disquiet over Rindos's treatment. "If it were the case that the University [of Western Australia] denied tenure to a respected scholar on academic grounds, particularly if there were a suspicion of underlying factors which were not adequately recognised, that might be a setback to the good reputation of your institution."

Pre-eminent archaeologist Professor Lewis Binford said Rindos's work was "world-class and most provocative".

One elder statesman of US archaeology, Professor Frank Hole of Yale, said that Rindos would be a strong candidate for promotion there based on his writings to

date. "It is the pattern of significance and not just the total number of works that we would judge."

The significance of Rindos's work can be quantified by his spectacular citation rate, which was almost three times the collective rate for the entire archaeology department staff during his term at UWA. He is perhaps the only academic at the university to be named as a reference by the prestigious *Encyclopaedia Britannica*.

But the tenure review committee applied extraordinarily narrow criteria. Its recommendation denying tenure was based solely on the judgment that Rindos's publication rate over the three-year probationary period was below par. The committee acknowledged in its report that individuals with lower performance had been given tenure in the past, but "rejected using a 'lowest-common-denominator' approach ... to judge Dr Rindos". As for extenuating circumstances, the committee said it was unable to determine whether the drop in his output was a personal limitation or due to factors outside his control.

The committee's ruling has been condemned by academics locally and overseas. Oxnard wrote to West Australian Labor MP Mark Nevill in March this year that: "From my considerable experience of the tenure process over many years I have never known anyone with a record like this be denied tenure on that basis."

ALAN Thorne, the head of pre-history at ANU said: "I regard the university's action as a serious mistake and a denial of natural justice." Productivity was not the only issue that swayed Gale in casting Rindos adrift. In a letter notifying him of her final decision, she said she was influenced by the fact that the difficulties with Bowdler "remain ever present". Her conclusion presents the problems in archaeology as a personality dispute, yet there was no corresponding effort to determine where the fault lay. The problems predated Rindos and were never properly investigated in accordance with recommendations arising from the Bruce review.

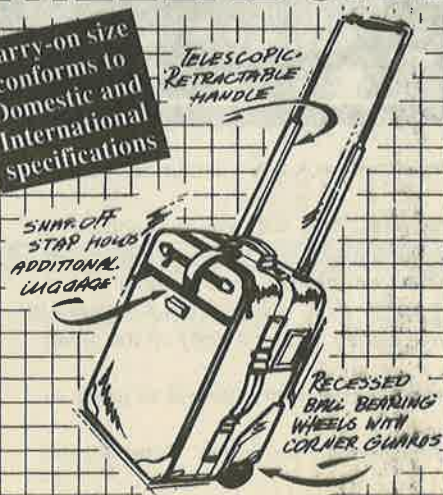
The university has re-examined its appointment and tenure procedures following the Rindos case, and introduced guidelines that stress it is professionally undesirable, and in certain cases unacceptable, that personal relationships should influence work practices.

Personal reasons keep Rindos in Australia. He is now preoccupied with demonstrating how the forces of darkness did him out of a job. His vast FOI trawl revealed memos and documents that appear to substantiate suspicions that his fate was determined long before the tenure review committee met. Positive teaching evaluations that went missing from university files during the tenure review process and were recovered by the search do nothing to diminish the demons of paranoia. Bowdler believes she is the victim of a witch-hunt. Rindos feels as if he has been buried alive.

The university's powerbrokers wish mourners would disperse. They have inscribed his tombstone but the grass just will not grow on his grave.

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Missing file leaves Rindos in limbo

By ROSS STOREY

A MISSING University of Western Australia personnel file is delaying any further action by internationally respected archaeologist Dr David Rindos in his push to clear his name after he was refused tenure amid ructions centred on the university's department of archaeology.

Dr Rindos said he had recently been questioned by a private investigator he claimed was hired by the UWA in an effort to locate the file that was thought to be pivotal to his case.

He told the *HES* his lawyer had advised the UWA University Visitor, the West Australian Governor, Major General Michael Jeffery, that an appeal against the refusal of tenure would be lodged, and there was no time restriction on when this could take place.

As a Visitor, Major General Jeffery had jurisdiction over all matters of dispute relating to the internal affairs and management of the university.

Dr Rindos said he had no choice but to continue fighting to clear his name to ensure his future employment, but visitorial appeals were very expensive and they were not part of the public record the way an appeal to a court might be.

"In the past three months, we've hit a bit of a brick wall because of the missing personnel file, because that is where the university's case is felt to be, and they can't find it — it's gone walkabout," he said.

The missing file came into fresh focus after a renewed attack on UWA in the West Australian Parliament over its handling of problems in the archaeology department.

Labor MLC Mark Nevill made the attack in a lengthy speech to the State Parliament on December 14.

Mr Nevill told the Upper House that a UWA review had shown that conditions in "archaeology constituted a scandal without precedent in the history of higher education in Australia, and one which was to be covered up rather than

corrected". Mr Nevill said Dr Rindos had been set up as a scapegoat for the problems in archaeology, his denial of tenure "is the ultimate insult" and the archaeology affair was "unfortunately an unfinished chapter in that institution's history".

But UWA's deputy vice-chancellor, Professor Alan Robson, rejected Mr Nevill's allegations as scurrilous and one-sided.

He said the speech did not provide any new claims or information other than that disclosed and fully discussed in Kate Legge's article in *The Weekend Australian* of 28-29 October, 1995.

Mr Nevill said that he had been involved in negotiations and discussions about the issues for 12 to 18 months and felt that little progress had been made.

"The affair at the University of Western Australia involves the exploitation of students in that department," Mr Nevill told Parliament.

"There is also the sexual exploitation of students. I believe the University of

Western Australia has abrogated its duty of care to the students in that department, some of whom have been forced to leave the department and complete their studies overseas."

Mr Nevill said Dr Rindos "found himself shunned, harassed and victimised in the same way as the students who had motivated his concern were harassed and victimised".

Parliament was told the UWA administration failed to understand "the depth of feeling both within UWA and within university communities nationally and internationally".

He urged Parliament to take an interest in the case because it went to the heart of how universities were run.

"Universities should be autonomous but at the same time they should be accountable," he said.

Professor Robson said that all the issues had been widely canvassed and discussed throughout the media and the community and that nothing new had been offered by Mr Nevill.

He said that UWA did not plan to take

any action based on Mr Nevill's speech and Dr Rindos was not an employee of the university.

In a previous letter to *The Australian* (November 1), Professor Robson said the university would be happy for Dr Rindos to take his case to the UWA Visitor.

"As stated publicly many times, the university will be happy for this process to take its course, and is confident that the outcome will vindicate its handling of the case.

"Having regard to the possibility of a hearing before the Visitor, I consider it quite inappropriate to embark upon a public argument.

"I can, however, say that the contract appointment offered to, and accepted by, Dr Rindos in January 1989 was, as is normal, subject to review.

"A rigorous review by a specially appointed committee, including a staff union observer, followed accepted and normal procedures in reaching a decision not to grant Dr Rindos a permanent appointment," he said.

HIGHER EDUCATION

Rindos files return to haunt UWA

The University of Western Australia's Rindos affair will be investigated by a West Australian parliamentary committee. **KATE LEGGE** reports

A NEW inquiry into the archaeology scandal at the University of Western Australia would examine allegations concerning the administrative reign of Professor Sandra Bowdler, former head of the archaeology department.

A Labor MP and many senior academics at UWA believe there has never been a proper investigation of allegations that sexual relations between Bowdler and female students heightened perceptions of personal prejudice, inequitable treatment and arbitrary academic decisions.

Late last year, the allegations became public when Labor MLC Mark Nevill tabled 329 pages of documents relating to the scandal in the West Australian Parliament.

These included a letter to vice-chancellor Fay Gale in February 1992 from one female graduate student alleging incidents of harassment by Bowdler, which proved "so soul-destroying" that "I no longer have any desire to be an academic as was once my dream".

The student told Gale that Bowdler had made sexual advances towards her during a 1985 field trip and "being immature and flattered" she had become involved in a sexual relationship with the then departmental head. "Within one month I realised the predicament that I had placed myself in, but feared that if I left Bowdler, she would somehow destroy my career in archaeology. I believe that over the past three years, she has attempted to do this."

The student says she was forced to leave UWA in 1986 to "get away from Professor Bowdler" and completed her degree interstate. She returned to UWA to do postgraduate work because she says she missed family and friends. "Since my return I feel that harassment from Professor Bowdler has taken many forms." The allegations refer to inter-

ference with postgraduate research, initial refusal to approve requests for joint supervision, ultimatums and phone calls that the student found "bullying and intimidating".

This letter is one of many written complaints that were sent to Gale in early 1992 at the request of two senior academics, Professor Neville Bruce and Professor Bernard Moulden, who had come across what they described as "highly disturbing and serious allegations of misconduct" when they conducted an internal review of the archaeology department in 1991.

Bruce and Moulden urged the vice-chancellor to appoint a properly constituted committee of inquiry to fully investigate the allegations, but this was not done. Two other academics, Professor Doug Clyde and Professor Stan Hotop, were given what one has since described as a "carefully circumscribed brief" to consider what action, if any, should be taken. None of the students or staff who made submissions to the vice-chancellor were interviewed by Clyde and Hotop, whose report has never been released.

The archaeology department's troubles were portrayed as arising solely from a clash between Bowdler and an American academic, Dr David Rindos, who had complained to authorities about Bowdler's administrative style independently of the students. However, his predecessor claims serious problems in the department's administration predated him.

Rindos believes he was made the scapegoat of this saga, and he became the first academic to be denied tenure in the history of UWA. The executive argued that his case against Bowdler was due to sour grapes over her dissatisfaction with his academic performance, a stand which looked flimsy given the team of internationally respected archaeologists who applauded Rindos's oeuvre.

In an attempt to solve the crisis, Gale closed down the archaeology department and

shifted Bowdler to anthropology, where she kept a professorial salary without the administrative responsibilities.

The postgraduate students who alleged inequitable treatment in archaeology suffered mixed fortunes, but all of them felt scarred by the affair, which has continued to dog UWA and its executive because of strong perceptions that justice was not seen to be done.

In a statement released yesterday, the vice-chancellor's office insisted that there have been "no formal complaints of sexual impropriety in relation to Bowdler. It said the Clyde-Hotop report found that while some of the allegations against Bowdler were of concern, they would have required lengthy and thorough investigation to be substantiated and, even then, it was unlikely disciplinary action could be initiated under the award.

Gale says that after interviewing Bowdler, she was satisfied there were no grounds for pursuing a case of misconduct.

THE documents tabled in State Parliament included submissions from students and former staff members detailing allegations, which range from bizarre descriptions of Bowdler's behaviour on field trips to serious allegations of administrative and intellectual prejudices inhibiting academic freedom.

One letter to the vice-chancellor recalled a field trip to Fitzgerald National Park. "The head of department and her lover (an archaeology student) had a very audible argument that began late one evening and continued until about 5am. There was much screaming and wailing, and as we were all in nearby tents, no one got any sleep."

Former students said they were refused entry to seminars in the department when standard academic practice welcomes graduate attendance. They complained of discrimination and favouritism in the allocation of places on field trips; they alleged



Dr David Rindos ... the first academic to be denied tenure in the history of UWA

that Bowdler and her supporters publicly ridiculed other staff members and students at seminars; they said Bowdler "yelled" at students in the corridors, which contributed to anxiety and stress and the perception of an "in" group and an "out" group.

One of the letters to Gale is from Associate Professor Sylvia Hallam, who resigned from archaeology in 1988 to create the vacancy filled by Rindos. She said there was a lack of open procedures in the department.

"Whether or not justice has always been done, it has not always been seen to be done," she wrote. "For instance, at the same time as one student was refused upgrading from MA to PhD

candidature (although she had high grades and several publications ...) others with no publications and lower grades were accepted directly as PhD candidates."

Hallam alleged that decisions about postgraduate supervision were made solely by the head of department "and often appeared arbitrary".

She went on to outline instances where personal prejudice appeared to influence everything, from which books were allowed in the library to which students were accepted for postgraduate work.

"Scorn for views with which the head of department does not

agree, often delivered in a scathing manner, could reduce a student to a quivering wreck ... Scorn for academic values and scorn for people outside a small inner coterie have replaced love of learning and respect for individuals in the archaeology department."

Hallam told Gale that she was worried the department's troubles were being cast as a personality dispute between Rindos, characterised as a whistleblower, and Bowdler, when it was her view that students had been disadvantaged by arbitrary decisions and the lack of any open process of decision making or review long before Rindos even arrived in Australia.

Uni faces inquiry on archaeology student row

By ROSS STOREY and KATE LEGGE

THE University of Western Australia faces an independent investigation by a powerful State parliamentary committee over its handling of long-running problems in its archaeology department, which culminated in the effective dismissal of the internationally respected archaeologist, Dr David Rindos.

A West Australian Labor MLC, Mr Mark Nevill, a long-time critic of the university's role in the affair, has given evidence, including documents detailing student complaints involving a professor, to the Upper House standing committee on government agencies, calling for a thorough official investigation.

Mr Nevill launched his attack on the UWA administration's actions in the State Parliament in December, claiming the affair constituted a "scandal without precedent in the history of higher education in Australia, and one which was to be covered up rather than corrected".

He told the Parliament that female archaeology students had been sexually harassed by UWA Professor Sandra Bowdler, who was in charge of the archaeology department.

The chair of the Upper House standing committee, Mr Barry House MLC, said the call for a full inquiry would be considered at its next meeting, in March.

UWA Deputy Vice-Chancellor, Professor Alan Robson, said the university welcomed any inquiry and was confident that the outcome would vindicate the university's handling of the case.

He said in a statement that no formal complaints of sexual impropriety had been received by the Vice-Chancellor, Pro-

fessor Fay Gale, or by the university's equity office.

There was no connection between the denial of tenure to Dr Rindos — and the subsequent lapsing of his probationary contract — and problems in the archaeology department in 1990-91.

The statement said Dr Rindos was refused tenure because his research record was "significantly below that normally expected of a senior lecturer in the university", a claim that has been contested strenuously by Dr Rindos.

Mr Nevill later dismissed the university's statement. "It is a real snow job, which doesn't address the substantive issues. How can they say there were no formal complaints when students wrote to the Vice-Chancellor detailing their grievances," he said.

Dr Rindos, who said he complained on behalf of students, said he was heartened by the prospect of a parliamentary inquiry.

"I am overjoyed to see myself as a footnote to this story, because the real story has always been what happened to the students," he said. "If the university had handled the reports in a proper manner, I wouldn't have lost my job."

The six-member standing committee has the power to call witnesses, take evidence and table reports to Parliament about cases of alleged abuse of administrative processes in government agencies.

Its terms of reference include inquiring into the purpose, finance, accountability, extent, nature, administrative control and methods of State government agencies.

Full report — Page 27

WA parliament in new probe of Rindos affair

By MAUREEN de la HARPE

A WESTERN Australian parliamentary committee is likely to launch an inquiry into the circumstances surrounding allegations against University of WA academic, Professor Sandra Bowdler which are claimed to have led to the denial of tenure to American archaeologist, Dr David Rindos in 1993.

The inquiry has been requested by Labor MLC Mark Nevill, who tabled 18 questions and more than 300 pages of documents relating to the affair, in state parliament late last year.

Chairman of the government agencies standing committee, Mr Barry House MLC, said that while the committee would almost certainly agree to conduct an inquiry when parliament resumes in March, it would probably focus on the processes followed by the university in investigating the affair rather than the specific allegations contained in the documents tabled in parliament.

He also indicated that he expected strong resistance from UWA.

"They claim they are not a government agency but, while they may not be an agency in the traditional meaning of

the term, according to standing orders they were created by a state statute and therefore come under our jurisdiction.

"The documents tabled by Nevill contain allegations that Bowdler's sexual relations with a number of graduate and undergraduate students led to instances of favouritism for some students, victimisation and ridicule of others, and to the denial of tenure to Rindos for blowing the whistle.

Nevill claims some students were forced to leave the department and complete their studies abroad.

He also says that, despite assurances from the university that denial of tenure was a separate and unrelated issue, the two matters are closely related.

He accuses the vice-chancellor of failing to act on the recommendations of the review committee set up to investigate problems in the archaeology department, which has since been dismantled.

While the parliamentary committee is unlikely to look directly into the denial of tenure, Rindos confirmed that the state ombudsman has now agreed to investigate the circumstances behind his dismissal in 1993, and has already written to the university.

While Rindos does not expect an outcome for several months, he is confident the ombudsman will find in his favour.

He considers it unfortunate that details of the archaeology affair have had to be aired in public, and accepts that his own case is but a 'footnote' to the larger issue of allegations against Bowdler for mistreatment of students and abuse of academic freedom, and the university for its handling of the issue.

"The students are the real story," he commented. I am just another victim."

A statement from the vice-chancellor's office on last Tuesday morning reiterated that there was no connection between the problems in the archaeology department and the denial of tenure to Rindos, despite acknowledging that divisions in the department were caused by a dispute between Bowdler and Rindos.

The statement said that after Bowdler had been stood down as head of department following a review of archaeology, the vice-chancellor commissioned Professors Clyde and Hotop to provide advice on further action to be taken in view of the report and submissions from students.

The statement continues: "Some sub-

missions concerned alleged unsafe work practices, interference with research and lack of departmental support. However, most of the submissions were very supportive of Professor Bowdler. No formal complaints of sexual impropriety in relation to Professor Bowdler have been received by the vice-chancellor or by the university's equity office." (Rindos claims he has a written acknowledgment from the vice-chancellor to a letter in which he listed complaints of sexual misconduct reported by students.)

According to the university, the Clyde/Hotop report advised that while some allegations against Bowdler were of concern, "they would need lengthy and thorough investigation" to be substantiated. Legal advice indicated that even if they were substantiated, it was unlikely that disciplinary action could be taken under the industrial award.

Having questioned Bowdler, and received replies to all points raised, the vice-chancellor was satisfied that there were no grounds for a case of misconduct. She did find problems in the department's management, which was transferred to the anthropology department.

UWA curbed archaeology department inquiry

By KATE LEGGE

THE University of Western Australia restricted the scope of a 1992 inquiry into allegations involving archaeologist Professor Sandra Bowdler, confidential documents obtained by *The Australian* show.

The documents confirm that the vice-chancellor, Professor Fay Gale, curtailed the inquiry despite urgent recommendations made by a formal review of the archaeology department for a full-scale investigation.

The university has denied that the 1992 inquiry operated on a "circumscribed brief".

In February 1992, two senior academics — professors Doug Clyde and Stan Hotop — were asked to provide Professor Gale with advice on what action, if any, should be taken to resolve the troubles in archaeology that had been documented by the earlier review. A letter to Professor Gale clarifying her terms of reference for the follow-up inquiry shows how carefully the brief was framed.

"It is my clear understanding that we will not reopen the review or in fact consider any material, verbal or written, other than the correspondence which you hold. To that end I have not read the review and will not discuss its contents with anyone," the letter says.

These constraints precluded the Clyde-Hotop team from interviewing those students and members of staff who had made allegations about the conduct of the head of archaeology, Professor Bowdler, whose relationships with female students heightened perceptions of inequitable treatment in the department. The allegations referred to interference with research, victimisation, arbitrary decision-making on the basis of per-

sonal prejudices and the hindering of academic freedom.

THE University of Western Australia's senate has appointed a committee to carry out a fresh investigation of events in its archaeology department and the refusal of tenure to archaeologist Dr David Rindos.

A statement by vice-chancellor Professor Fay Gale said increasing media speculation had led the senate to feel it was not in the university's best interests to remain inactive.

The committee will examine:

- Documentary evidence that went before a 1991 review of the department of archaeology, together with the review's findings and recom-

mendations, and action taken in response to its recommendations.

- Reasons for the recommendation not to grant tenure to Dr Rindos, and the processes involved.

Professor Gale's statement said the senate was anxious that committee members should all be external senators, and should have had no prior involvement either with the former department of archaeology or with Dr Rindos's tenure review.

"It was also made clear in the senate resolution that the ... terms of reference should not be regarded as restrictive, and that further terms could be

added at the committee's discretion," the statement said.

The committee would have full access to legal and other advice, and would report regularly to the senate on its progress.

Professor Gale has said there was no connection between the refusal of tenure to Dr Rindos and problems in the department of archaeology. She said it was not true that Dr Rindos was subjected to an administration vendetta because he "blew the whistle" on events in archaeology claimed to stem from relationships between Professor Sandra Bowdler and students.

— ROSS STOREY

sonal prejudices and the hindering of academic freedom.

The Clyde-Hotop inquiry was confined to consideration of written submissions, even though the authors of the archaeology review made it clear to Professor Gale and other members of the executive that they believed the allegations warranted examination by a "properly constituted body" capable of taking evidence.

The Clyde-Hotop report has never been released, but *The Australian* understands one of the academics was disturbed by the gravity of the allegations and felt that, if the university declined to test them publicly, it would have to demonstrate thoroughly why not.

This contrasts with statements by the university that suggest that, while professors Clyde and Hotop were concerned about "some of the allegations", they felt substantiation was all too

hard. The vice-chancellor said her decision not to act was influenced further by independent legal advice that, even if the allegations could be substantiated, the chances of disciplinary action under the award were slim.

The authors of the formal departmental review, professors Neville Bruce and Bernard Moulden — who had recommended a full-scale investigation of the allegations — became anxious about the limited scope of the follow-up inquiry when professors Clyde and Hotop did not contact them.

Professor Bruce wrote to Professor Gale expressing his alarm. "As far as I know the second committee did not contact any of the members of the first review committee nor interview some of the key people involved. Thus it would not surprise me if they failed to obtain legally valid evidence either to confirm or deny the allegations. If this is so then I believe it would be

dangerous for the university to close its files on this case."

The university continues to insist that the Clyde-Hotop inquiry was not restrained in its focus.

In a statement to staff on Monday, Professor Gale said the 1991 review of archaeology was not precipitated by concerns about any alleged impropriety, but was merely part of a rolling program of departmental reviews.

This does not seem to tally with evidence from Dr Robert Parfitt, deputy vice-chancellor in 1991, who recalled in a statement tabled in the West Australian Parliament that he had nominated archaeology for review after receiving complaints from three postgraduate students. Dr Parfitt's recollection is reinforced by Professor Charles Oxnard who, in a separate statement, said he had put forward archaeology for review because of serious problems.

UWA senate to reopen Rindos affair

By MAUREEN de la HARPE

FACED with mounting media speculation into the circumstances surrounding the denial of tenure to archaeologist, Dr David Rindos, the University of Western Australia senate has announced the appointment of a committee to investigate the affair.

According to the UWA statement, the committee will look into:

- The documentary evidence before the committee established in 1991 to review the department of archaeology together with the findings and recommendations of the committee, and the action taken in response to its recommendations.

- The reasons behind the decision not to grant tenure to Rindos, and the processes involved.

The senate resolution made it clear that the terms of reference are not restrictive, and may be enlarged the committee's discretion. The committee will have full access to legal and other advice and will be required to report regularly on progress.

According to the statement, vice-chancellor Professor Fay Gale was anxious that the committee be composed of external senators with no prior involvement either with the now-defunct archaeology department or with Rindos' case.

Its members are Mr Irwin Barrett-Lennard (convenor), Dr Jim Gill, Mrs June Jones and the Honourable Mr Justice Nicholson.

Rindos' solicitor, Mark Cuomo is not impressed.

"It appears that the terms of reference do not include talking to Dr Rindos at all, or taking evidence from anyone," he said.

"Secondly, it is a case of Caesar talking to Caesar in that the inquiry is no way independent, but is comprised of UWA senators, therefore their independence is non-existent.

"UWA should not use this as a pretext to not cooperate with proper inde-

pendent, external inquiries such as the ombudsman. UWA has not contacted Dr Rindos about the composition or terms of this inquiry or regarding his participation. It appears therefore to be some form of public relations exercise and in no way a genuine independent inquiry."

Commenting on the UWA statement that Rindos has not yet appealed to the university visitor on the matter, Cuomo said that while the university has spent many thousands of dollars on legal representation, Rindos has not the resources to match that expenditure and cannot afford to take expensive legal action, including recourse to the visitor.

Rindos documents biased: UWA

By ROSS STOREY

A CONTENTIOUS parcel of 329 documents, tabled in State Parliament about the University of Western Australia Rindos-archaeology affair, was "absolutely selected" to present a biased view, according to the university.

UWA executives told the *HES* this week that the parliamentary package comprised at least four more boxes of material that would be re-examined by the new university senate inquiry into the affair announced last week.

The brief of the fresh inquiry, involving four university senators not associated with the previous investigations, is to re-examine the failure to grant tenure to archaeologist Dr David Rindos, and allegations concerning the former archaeology department, to confirm whether due process had been followed.

The Western Australian Parliamentary Commissioner — the Ombudsman — is also investigating whether proper process was followed and natural justice afforded to Dr Rindos, who blew the whistle on student concerns.

The university has consistently denied any connection between the denial of tenure and Dr Rindos's actions in highlighting allegations of misconduct against former archaeology head Professor Sandra Bowdler.

Three of UWA's most senior officials — vice-chancellor Fay Gale, deputy vice-chancellor Alan Robson, and registrar Malcolm Orr — spoke exclusively to the *HES* to brand the tabled material as "a selection of documents designed to place a particular slant on events".

Labor MLC Mark Nevill tabled the 329

documents in December and has presented them to the Parliamentary Standing Committee on Government Agencies, which meets later this month to consider whether to call a full inquiry.

The UWA executives said Mr Nevill had denied Professor Bowdler natural justice by failing to interview her before making the allegations public in a speech to Parliament.

Professor Robson said that the Hotop-Clyde inquiry into the allegations was a thorough one, involving 42 submissions.

"More than three-quarters were supportive of Bowdler, but none of the supportive submissions are contained [in the tabled package], only the critical submissions," he said.

Professor Gale said the parliamentary package also lacked any of the critical material submitted to the Hotop-Clyde inquiry relating to Dr Rindos, the archaeologist denied tenure at UWA.

The vice-chancellor denied that the Hotop-Clyde inquiry had been restricted in its scope or suffered from a circumscribed brief.

"It was not nobbled ... the terms of reference were absolutely open," Professor Gale said.

"They asked me whether it could be confidential, and the only reason the report has not been released is because I gave them a guarantee that they had that cover.

"I have followed all of their recommendations exactly.

"All of those who wrote to the first inquiry, to the first review [of the department of archaeology] were asked whether

they wished to submit and everyone knew there was an inquiry."

Professor Robson again rejected claims that the review of the department was prompted by internal problems associated with Professor Bowdler.

"We ought to get it quite straight. No one can find any of that sort of correspondence relating to the establishment of that review," he said.

"That review was established as part of the normal review process.

"Professor Oxnard [head of the division of agriculture and science which oversaw the archaeology department] is on record as having told the department of archaeology 'this is a normal departmental review' and I've been told that by three or four people within archaeology."

Orr said Professor Bowdler was disciplined in 1992 and had had an impeccable record since.

"It's important to understand that she was relieved of her department and was put in a position where she was under close monitoring by the head of anthropology, which is continuing to this day.

"The evidence as a consequence of that monitoring makes it absolutely clear that she has behaved impeccably, that she is increasing the number of students going into archaeology and increasing the number of students who are going to her for PhD work.

"Therefore, given that the vice-chancellor's responsibility as chief executive officer is the welfare of the students, the management of the department and the academic processes, her dealing with Bowdler has resulted in a totally positive outcome."

UWA Senate inquires into tenure denial

FOLLOWING an announcement last week that the University of Western Australia senate will hold an inquiry into the circumstances behind the denial of tenure to former lecturer Dr David Rindos, WA parliamentarian Barry House MLC said that the fact that the university is holding its own inquiry would not preclude a parliamentary investigation. House, who is chairman of the Government Agencies standing committee said, however, that an announcement would not be made until the committee reconvenes when State Parliament resumes later this month. Rindos has already confirmed he is anxious for investigations by State Parliament and the Ombudsman to proceed.

UWA vice-chancellor Fay Gale said that the findings of the inquiry would be open for public scrutiny. "The only exception will be any part of the findings which could give rise to defamation or other legal action. If this was to arise, the Senate would take appropriate legal advice before releasing the findings," she said.

The committee will have the power to call any member of staff and/or the student body, hearings will be held in private, and Gale expects a report on its findings to be presented at the Senate meeting on April 22.

The four-member committee includes Mr Irwin Barrett-Lennard (convenor), the longest serving member of the Senate; Federal Court judge Robert Nicholson; Ms June Jones, headmistress of St Hilda's Anglican School for Girls; and Dr Jim Gill, managing director of the WA Water Corporation.

Rindos revealed last week that he was appointed as supervisor to a post-graduate student by the University of WA after he had been denied tenure in 1993. Rindos confirmed that he is still acting as supervisor, but had not raised the matter himself as he felt it was an issue for the student to raise.

- Maureen de la Harpe

THE RINDOS AFFAIR

Academic warned



Partygoer: Dr Rindos, in dark glasses, at a fancy dress party.

SPECIAL REPORTS
BY MICHAEL DAY

FORMER University of WA academic David Rindos, at the centre of a bitter row involving allegations that he was victimised by a clique of radical feminists, was warned about his behaviour after sexual harassment proceedings at the university.

Allegations of sexual harassment by three female students were dealt with by mediation and not dropped, as publicly asserted by Dr Rindos and the WA State Labor spokesman for mines and the Goldfields, Mark Nevill MLC.

Dr Rindos was told that no record of the matter would be kept on his

personal file or any central file but was then warned by a UWA official that "should any subsequent matter of this nature arise, it would need to be considered and dealt with".

The West Australian understands that Dr Rindos had to apologise, although not directly to the complainants.

He is the only member of the former archaeology department — it has been absorbed by the anthropology department — to have been the subject of official complaints about sexual impropriety.

In 1993, Dr Rindos was denied tenure — a permanent contract — on academic grounds, which meant he lost his job.

A tenure review committee com-

prising three senior academics and two UWA senators recommended against tenure for Dr Rindos because of his low output of publications — no more than a fifth of his counterparts in other departments.

He has campaigned against the decision with the help of Sunday Times journalist Joe Poprzczyński and Mr Nevill.

A focus of the dispute has been on unsubstantiated claims about the private life of archaeology professor Sandra Bowdler.

Mr Nevill has raised the dispute in Parliament and has outlined alleged incidents of a sexual nature involving Professor Bowdler.

Asked about the students' harassment complaints this week, Dr Rin-

dos replied by asking how a homosexual could harass a woman sexually.

They complained that Dr Rindos made unsolicited and unwanted comments of a sexual nature to students.

The complainants said he would talk about the attractions of sadomasochism and nipple clamps and nipple piercing.

He was also alleged to have made negative comments about women and to have told his female students that when they were on field work they should drive to a mining town and engage in casual sex, "lay a miner" or get stoned.

The students said Dr Rindos' behaviour both generally and specifically caused considerable distress.

Bowdler's colleagues offer her high praise

TRIBUTES for Professor Sandra Bowdler are not slow in coming forth in professional archaeological circles.

Her curriculum vitae shows she is one of the leading archaeologists of her generation in Australia.

The holder of a first-class honours degree and the winner of the university medal in anthropology at the University of Sydney, Professor Bowdler obtained her doctorate at the Australian National University in 1979. She was appointed WA's inaugural professor of archaeology in 1983.

Professor Bowdler's theory that Aborigines populated Australia by coastal colonisation is regarded as one of the most important and challenging in the archaeology of this country.

This week, the president of the Australian Archaeological Association, Annie Ross, said she believed Professor Bowdler to be one of the most outstanding archaeologists in Australia. She said she was speaking personally, not on behalf of the association.

"She is one of the most

exciting people anyone would want to listen to or work with — her contribution to Australian archaeology is second to none," Dr Ross said.

Bill Jonas, one of three Aborigines with PhDs and the principal of the Australian Institute of Aboriginal and Torres Strait Islander Studies in Canberra, said Professor Bowdler was very highly regarded, respected and liked among Aborigines.

Testimonials just as eloquent have come from Peter White, Reader in Archaeology at the University of Sydney and the professor's current head of department, UWA anthropology professor Robert Tonkinson.

There is no getting away from the fact that Professor Bowdler, 49, can be direct in her speech and a hard taskmaster to postgraduate students. But they also show admiration and gratitude that she demands high intellectual standards.

In the campaign waged against her, it has been forgotten often that all her staff —

three lecturers and a tutor — and eight of 11 postgraduate students supported Professor Bowdler when she came under attack from Dr Rindos.

Despite allegations against her, there has been no proof of mismanagement of the department — all the detailed financial records are available to check.

There is also no evidence for the allegations referred to by Mark Nevill MLC in Parliament and by the Sunday Times that Professor Bowdler "preyed" on female students.

She had a consensual relationship with a mature age female student in the early 1980s. At that time at UWA, it was not prohibited to have relationships with students, and was common practice by many male academics.

Their relationship ended and her partner left Perth but returned later, asking Professor Bowdler to be her supervisor.

About 18 months later she decided to move to Dr Rindos' supervision. She was the person who wrote a letter referring to preying on female students.



High esteem: Professor Sandra Bowdler is able to smile, despite the criticism she has faced. The professor's work is highly valued. PICTURE: KERRY EDWARDS

Secret report backs the professor

A PREVIOUSLY secret report on the archaeology row at the University of WA shows that the submissions made to it were overwhelmingly in support of archaeology professor Sandra Bowdler.

The 1992 report by engineering professor

Doug Clyde and law associate professor Stan Hotop released exclusively to *The West Australian* was essentially advice to UWA vice-chancellor Fay Gale on how to deal with recommendations made by a 1991 review of the

university's archaeology department.

The report shows that four of the six submissions by current and retired archaeology department staff supported Professor Bowdler and her administration of

the department and criticised the role of David Rindos.

Two unidentified submissions, but probably those of former archaeology associate professor Sylvia Hallam and Dr Rindos, were very critical of Professor Bowdler.

The other submissions were from: students (two for, seven against Professor Bowdler); academics from other departments (10 for); academics in related fields from other universities (six for); WA Museum staff (two for); professionals interstate (four for); archaeological consultants and miners (one for, five against) and miscellaneous (one for, one against).

Despite rumours, the report contains no sensational information and makes no judgment on the allegations.

There is an ambiguity in one paragraph which could be misconstrued as having found Professor Bowdler committed "academic thuggery" but the context makes it clear that was only an allegation and one strongly denied in a detailed report to Professor Gale by Professor Bowdler.

has learnt that Professor Clyde told Professor Gale this week he had told the Australian newspaper's reporter Kate Legge recently that the terms of the inquiry were limited to a statement which led to a big report critical of the university.

But Professor Clyde said he, and not Professor Gale, had limited the terms of the inquiry to limit the treatment of submissions and to prevent it becoming a hearing of evidence.

Professor Gale has said that on receiving the report, she consulted an out-of-State lawyer experienced in higher education and a local lawyer and concluded a charge of misconduct would not succeed against Professor Bowdler.

Professor Gale then gave Professor Bowdler a list of allegations and said that if they had been committed they should not be repeated.

Professor Bowdler wrote a detailed reply in which she said that despite a long period of rumour, innuendo and press reports, she had not known, until April 10, 1992, there was concern about her behaviour.

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THE RINDOS AFFAIR

after sex inquiry

More complaints came during his 1990 Method and Theory course, held in the Eagles Bar of Steve's Nedlands Park Hotel.

His lectures were said to have included remarks relating to his sexual preferences and practices. He allegedly commented that a door lock was "as tight as a virgin's arse".

The students, who were sent letters from a lawyer warning them of vexatious claims, have not commented to *The West Australian*.

Dr Rindos said this week that the complaints were made by one small group of people and had been made after publicity about the UWA case in the Sunday Times.

Some comments were made in a

pub in a laughing, joking way and people could have left if they wanted.

Comments made about what to do during a field trip indicated his concern that students would be working too long and were made in a joking manner, such as telling them to relax and to "get drunk, get laid, take a bubble bath".

Mr Nevill told Parliament on December 14 last year that the letters by the women "contained no allegations whatsoever of sexual harassment as normally understood" and that the charges were dropped.

The West Australian has obtained a confidential submission by archaeology lecturer Ian Lilley to the committee reviewing the archaeology department in 1991.

"Dr Rindos subjected staff and students alike to sexual harassment in the form of continual references to sado-masochism, bondage and what he called 'leather-space', as well as unceasing detailed discussion of his own sexual activities, e.g. what he had done or was going to do that day," Dr Lilley said.

Dr Rindos denied this week that he had harassed Dr Lilley sexually.

The West Australian was also told by many sources that Dr Rindos frequently referred to "puppies" — homosexual partners much younger than him, although not children.

Dr Lilley also described how Dr Rindos used university computing facilities at departmental cost to

communicate with pornographic electronic mail networks.

The West Australian has a copy of a message sent by Dr Rindos to a newsgroup called alt.sex.bondage. He was commenting on a message about sexually repressed areas in the United States.

He said: "That sure wasn't my experience!"

"Still remember one in particular: tall blond furry bearded bottom uncut with a ring kinky as a perverted python with that accent that still drives me wild how we spent hours combing the set wax from his chest and back!"

Dr Rindos confirmed this week that he had sent the message but it was just "typical university humour".

The question was how anyone at UWA got hold of it, he said.

They would have had to go into his personal account, look at what bulletin boards he subscribed to and gone into those boards.

However, *The West Australian* understands the message was discovered by chance by a UWA staff member and printed.

Soon after Dr Rindos arrived at UWA, he attended a private party in the home of a lecturer and after dinner, excused himself to change.

He returned dressed in leather and, to the astonishment of those present, explained in detail the sexual signals of various parts of his clothing.

● Monday: the political connection

Facts fail to back Rindos' claims

CLAIMS have been made in some reports and references that David Rindos is a world-renowned academic in his field.

Dr Rindos' 1984 book, *The Origins of Agricultural Systems: An Evolutionary Perspective*, has received widespread critical acclaim and before he came to the University of WA, he published some articles in prestigious journals.

Laudatory references about Dr Rindos came to UWA from overseas academics after he sent out a prescription for such testimonials.

His qualifications from Cornell University in the US are a bachelor of science in rural sociology in 1969, a master of science in botany in 1980 and a doctorate in anthropology and evolutionary biology in 1981.

However, until Dr Rindos came to UWA his only academic jobs were at a junior level and most for less than a year.

He said this week that was the rule while getting experience before becoming competitive for a tenure-tracked job.

In his documents used to support his case for tenure at UWA, Dr Rindos said he brought in more research money in six months than archaeology professor Sandra Bowdler did in her eight years as head.

Records disprove this and there is documented proof of Professor Bowdler's success in winning big grants.

In February 1991 — before Professor Bowdler claims she had heard of the complaints by Dr Rindos about her — she told him in a confidential memo obtained by *The West Australian* that he had a "lack of a clear plan of empirical research, despite keen interest from staff and post-graduate students in the potential of your particular skills in palaeobotany, etc".

Problems in his teaching were evident from informal complaints, the low rate of student retention in first year in 1990, the lack of follow-on of those students into second year and the unwillingness of second and third-year students to undertake his *Origins of Agriculture* course.

He coordinated Archaeology 120, a first-year course and received flak in a publication listing student views on their courses. His teaching was also criticised in an official survey of student views.

The only recommendation on academic matters in the 1991 review of archaeology was that the department should continue to take steps to reduce the attrition rate in Archaeology 120.

Dr Rindos has claimed most post-graduate students chose to go with him. Only three went with him, the other eight stayed with the department.



Limited: David Rindos had held only junior academic jobs before WA. PICTURE: BILL HATTO

HOW THE EVENTS UNFOLDED

1983: Dr Sandra Bowdler appointed UWA professor of archaeology.

1987: Review of archaeology unit. Positive report.

June 1989: Dr Rindos arrives at UWA.

January 1990: Dr Rindos acts as head of department while Professor Bowdler is overseas.

April 1990: Complaint about Dr Rindos by doctoral student Sue O'Connor.

Big drop out rates in first-year archaeology.

Staff and students complain to Professor Bowdler about Dr Rindos.

January 1991: Tutor complains about Dr Rindos.

February 1991: Professor Bowdler issues memo to Dr Rindos to improve attitude to work, teaching, research and relationship with staff.

March 1991: Three staff members complain about Dr Rindos to the head of division, Professor Charles Oxnard. Dr Rindos and three postgraduate students move to geography.

June 1991: Professor Bowdler details in a tenure report widespread dissatisfaction with Dr Rindos' work.

Committee comprising Professor Isabel McBryde, Associate Professor Neville Bruce and Professor Bernard Moulden reviews archaeology department.

Professor Bowdler hears of allegations against her. Lecturer Ian Lilley tells review Dr Rindos subjected staff and students to sexual harassment.

February 1992: Review committee reports. Professor Bowdler tells vice-chancellor Fay Gale it ignored principles of natural justice. Report recommends Professor

Gale investigate management practices, told to reduce attrition rate in Archaeology 120, the course taught by Dr Rindos.

Professor Gale asks Professor Bowdler to stand aside from headship. Then asks Professor Doug Clyde and Associate Professor Stan Hotop for advice on what action, if any, to take.

March 1992: Sunday Times reporter Joe Popprczynski begins pro-Rindos campaign and predicts Professor Gale will lose her post.

May 1992: Clyde/Hotop report presented to Professor Gale. Archaeology absorbed into anthropology department.

Professor Gale questions Professor Bowdler who denies charges and gives undertakings.

July 1992: Complaints by three women heard about sexual harassment by Dr Rindos. He is warned.

February 1993: Tenure review committee recommends against tenure for Dr Rindos.

March 1993: Professor Bruce criticises UWA administration.

June 1993: UWA senate confirms decision to deny tenure.

1995: Circulation begins at UWA of anonymous defamatory magazine. File containing limited information on Dr Rindos disappears.

December 1995: MLC Mark Nevill makes allegations against Professor Bowdler in Parliament.

February 1996: UWA senate sets up committee to investigate.

March 1996: Clyde/Hotop report released.

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Secret file, claims Rindos

ALLEGATIONS of misconduct against former University of WA senior archaeology lecturer Dr David Rindos reported in *The West Australian* yesterday were investigated by a two-campus committee, according to documents tabled in State Parliament.

The complaints alleged sexual harassment by Dr Rindos and use of coarse language at the Nedlands Park Hotel.

Another complaint was that he had used similar language in messages on the Internet. Two students gained access and showed them to university officials.

The tabled documents show that allegations made by members of the archaeology department of UWA academic Professor Sandra Bowdler, which was scrapped, were raised with a review committee headed by UWA anatomist Professor Neville Bruce in November 1991.

"The committee did not follow up any of these allegations," a document written by Professor Bruce said.

"They did not appear to be consistent with independent reports... and were of far less concern than other major problems within the department."

Another tabled document, prepared by Professor Bernard Mouldin, who also sat on the review, said: "I received copies of a few letters making what I felt were rather silly allegations and complaints."

Reports by JOE POPRZECZNY

"I viewed these letters as trivial, probably irrelevant, and rather childish. I ignored them and simply disposed of them."

One of those who complained about Dr Rindos by letter to each committee alleging improper behavior by Dr Rindos was Dr Ian Lilley, who now works in Queensland.

Dr Lilley alleged Dr Rindos, an acknowledged homosexual, had referred to homosexual activities.

Dr Rindos said yesterday: "What Ian failed to mention was that he had borrowed literature from me for his own use dealing with the very topic he appears to have suddenly found so reprehensible."

When Dr Lilley was contacted by the *Sunday Times* in Brisbane yesterday, he hung up.

Another complaint lodged against Dr Rindos was by a long-time friend of Professor Bowdler.

A third former archaeologist who complained about Dr Rindos was Dr Peter Veth, who had studied under Professor Bowdler at UWA.

Dr Veth alleged Dr Rindos had questionable attitudes towards Aborigines.

Dr Rindos said: "This weekend's article in *The West Australian* provides proof of the existence of a secret file that has been kept at UWA on me and is now being

released to a journalist in yet another attempt to harm me.

"How am I to get justice from UWA when it has found the allegations against Professor Bowdler serious enough to launch a senate inquiry yet the university, instead of abiding by its own umpire, appears to be conducting a publicity campaign to undermine me?"

"Those with the secret file failed to destroy me before and will be unsuccessful now."

Dr Rindos claimed journalist Michael Day had refused to read relevant documents tabled in State Parliament.

"Mr Day claimed that despite allegations that Professor Bowdler had mismanaged her department, no proof of this existed. He is not even reading UWA's press releases."

"The Vice-Chancellor, Professor Gale, freely admits she was forced to close the archaeology department and shackle Professor Bowdler because of her mismanagement."

"The 25-page review of the 1991 archaeology review gave as its first recommendation: 'The Vice-Chancellor investigates as a matter of priority the management practices within the department'."

"UWA's deputy vice-chancellor, Professor Alan Robson, said in a letter dated February 25: 'Professor Gale concluded, however, that there had been problems in the management of the department of archaeology'."



□ Dr David Rindos... "Those with the secret file failed to destroy me before and will be unsuccessful now."

I acted correctly: Gale Affair handled poorly: Bruce

UNIVERSITY of WA Vice-Chancellor Professor Fay Gale is adamant she handled the Bowdler Affair properly and comprehensively.

On ABC Radio this week, Professor Gale said she followed Professor Neville Bruce's review committee's recommendations to the letter.

"I have followed up on all those issues," Professor Gale said.

"In terms of management problems I listened carefully, I read what they gave me, I decided the only way to follow up on that was to get accredited people in the university to take further action for me and advise me."

Asked about the Bruce review's references to sexual problems in Professor Bowdler's department, she said these had been addressed.

Professor Gale said she

had commissioned academics Professor Stan Hotop and Doug Clyde, who told her they would follow up all material submitted to them.

"I then asked the chair (Professor Bruce) of the academic inquiry if he would ask everyone who had given him evidence or material they wanted followed up, if they would give me that for the second inquiry."

"All of that was given to the second inquiry."

She said Professor Hotop and Clyde gave her a report which included exactly the matters that needed following up.

"I have done all of them," she said. "One was the closure of the pre-history centre. I went further than that, I closed the department of archaeology."

"I followed up on all of the management issues. A lot of

complaints had to do with safety, with field trips, with finance."

"I had all of that checked out very carefully. Because of a couple of the complaints about Professor Bowdler, I investigated to see if I had a case of serious misconduct."

"I got advice from two highly qualified lawyers who went through the material. I then followed this through with her and her union representative in terms of the award, and put forward to her the case."

"She was asked to address a number of questions. She formally replied to them all."

"She gave me guarantees."

"She has now been in a situation she has managed completely and I have had constant reports that she has not in any sense repeated that relationship which led to all this, which is now over a decade old."

A SENIOR University of WA academic who headed a review of the campus's archaeology sex scandal says the university has not handled the affair properly.

On ABC radio this week, Associate Professor Neville Bruce said: "I think we are looking at something that is a severe threat to this university."

"It is something the university has done exceedingly wrongly and I think history will prove that."

"It's a shame it happened at all."

"The best thing we can do now is resolve it for once and for all - and the sooner the better."

Professor Bruce, of the department of anatomy, was convenor of a review of the archaeology department in 1991 after three female students complained to former

deputy vice-chancellor Professor Bob Parfitt.

Documents tabled in State Parliament show that Professor Parfitt moved for the review because of allegations made against archaeology Professor Sandra Bowdler.

But Professor Bruce said his review was not a fully fledged investigation with legal powers.

"We believed the allegations were extremely damaging and we felt it was crucial for the university to either scotch them or prove them," he said.

Professor Bruce said that since the review he had written several letters in an effort to have the scandal rectified.

He said during his investigations he heard evidence of victimisation of students and poor running of the archaeology department and recommended a thor-

ough investigation be made.

Students who gave evidence to his review were told if they wished to give more evidence they had to prepare new letters.

"In the first review we were receiving documentation and evidence and allegations which really were quite horrific," he said.

"We took the view this information was offered to us by people in a deeply anxious state who, having had time to recollect their thoughts and maybe talk to a lawyer, may not have written exactly the way they felt."

"So we felt constrained to telling them that everything they gave to us was going to be destroyed."

"We then had to ask them to rewrite their submissions and make sure they could back them up in a court of law."

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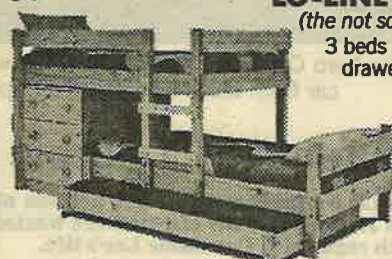
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THE RINDOS AFFAIR

Mining interests a key

SPECIAL REPORTS BY MICHAEL DAY

POLITICAL pressure was put on the University of WA to close its archaeological consulting arm, the Centre for Prehistory, after it upset a big mining company.

The centre, a focal point of the long-running dispute involving former UWA academic David Rindos, recorded and assessed the significance of Aboriginal sites near proposed mines.

In 1990, Dominion Mining appointed the centre to carry out a second ethnographic survey of the site of its proposed Yakabindie nickel mine.

The consultants, including Dr Phillip Moore, reported a number of Aboriginal sites which would be affected by the development 400km north of Kalgoorlie.

A previous survey by a private consulting

BRIEFING

THE STORY SO FAR

FORMER UWA academic David Rindos has been locked in a bitter row with Professor Sandra Bowdler, the head of the archaeology department, since losing his job there three years ago. On Saturday, *The West Australian* revealed how:

● Dr Rindos was denied a permanent contract at UWA in 1993 on academic grounds. He has campaigned against that

decision with help from Labor MLC Mark Nevill and the Sunday Times newspaper.

● A secret report on the row mainly supported Professor Bowdler's administration of the department.

● Dr Rindos, who claimed he was the victim of a clique of radical feminists, was warned over his behaviour after sexual harassment allegations by students.

anthropologist, Rory O'Connor, had reported none.

That led to a dispute between the centre and Dominion Mining. The allegations of the com-

pany are contained in a document tabled in Parliament last December by Mining and Pastoral Region MLC Mark Nevill.

Mr Nevill told ABC education reporter Jane

Figgus last week he had been asked about 18 months earlier by Kalgoorlie MHR Graeme Campbell to investigate the Rindos affair.

In 1991, Mr Campbell accused UWA archaeology professor Sandra Bowdler of a conflict of interest because of her role on the WA Museum's Aboriginal Cultural Material Committee, a State Government advisory committee.

Mr Campbell's argument hinged on the fact that the committee sat in judgment on reports on development sites by private anthropologists.

He said that would mean she was in conflict of interest because she was in charge of the UWA Centre for Prehistory, which was in competition with Mr O'Connor and colleague, consultant archaeologist Gary Quartermaine.

UWA anthropology professor Robert

Problems 'go back to 1991'

UNIVERSITY of WA deputy vice-chancellor Alan Robson denied yesterday there had been financial mismanagement of the archaeology department by Professor Sandra Bowdler.

Reference to management problems related to the difficulties of having such a small department in the university, he said.

He said the whistle began to blow against Dr Rindos soon after he took over as acting department head.

A PhD student went on record complaining about Dr Rindos' poor supervision and there was a detailed list of problems about his work which was dated February 1991.



University row: Former UWA associate professor Sylvia Hallam is critical of both the main people in the row, Professor Sandra Bowdler and Dr David Rindos.

Both should lose jobs: academic

BOTH David Rindos and Sandra Bowdler should have lost their jobs, according to former University of WA archaeology associate professor Sylvia Hallam.

"He was part of the attack on those not part of the inner coterie," she said.

Dr Rindos was not a trained archaeologist, was not what the department required at the time and should not have got his UWA job, Dr Hallam said.

"He's not an archaeologist — he is a plant geneticist," she said.

Dr Hallam, who retired in 1988 after nearly 20 years teaching archaeology at the university, also criticised Professor Bowdler's role in appointing Dr Rindos and her running of the department.

It was a small department and Dr Rindos had to teach world prehistory and Australian archaeology, of which he knew nothing. He also had to teach practical field archaeology but he was not a practical field archaeologist.

"He wouldn't know one end of a stone artefact from another," Dr Hallam said. "He just couldn't do the things that needed to be done."

Dr Hallam was a candidate for the archaeology chair in the late 1970s when UWA decided not to offer the job but said she was not a candidate when it became available again in 1983 when Professor Bowdler was appointed.

Dr Hallam, who was one of four examiners of Professor Bowdler's PhD thesis, said she disagreed with her basic academic proposition on coastal settlement by Aborigines.

Professor Bowdler is known for her widely cited and discussed 1977 theory that the ancestors of today's Aborigines arrived in Australia at least 40,000 years ago, probably from South-East Asia, and originally settled Australia along the

In a more recent work, she has argued that the colonisation of South-East Asia and Australia occurred simultaneously by people originally from what is now known as China.

Dr Hallam believes in the less-cited savannah spread idea, which has it that Aborigines settled Australia by moving along well-watered inland regions.

She claimed Dr Rindos took on supervision of postgraduates who were studying topics he did not know about.

Dr Hallam said Dr Rindos used "demolition" on students who were presenting preliminary results.

"You don't attack people at the end of the seminar — but he he did."

Dr Hallam said she knew nothing about the matters which had since made the headlines about the department.

She said she had been critical that departmental decisions on such matters as student supervision were not taken democratically but by Professor Bowdler, although there was no obligation for public decision-making at that time.

Dr Hallam said she knew very well some postgraduate students did not get funding they should have but staff did not have access to the figures so there was nothing she could put her finger on.

She said she did not tell of her concerns to the first review of the Centre for Prehistory, which preceded the setting up of a department, because she had fought hard for an archaeology department and did not want to hurt the chances of it being established.

Professor Bowdler said yesterday it was a pity that Dr Hallam had never made her concerns about departmental administration known to her so that her claims could be tested against the extensive written records of the department.

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THE RINDOS AFFAIR

to academic dispute

Tonkinson, who served on the committee with Professor Bowdler, said yesterday the committee had recognised procedures for members excusing themselves if there was a conflict of interest and that Professor Bowdler followed those procedures when necessary.

In a confidential letter obtained by *The West Australian*, Professor Bowdler told UWA vice-chancellor Fay Gale in 1992 that the committee always adhered scrupulously to accepted practices and that its work was closely monitored by the museum's board of trustees, chaired by Justice Geoffrey Kennedy.

Mr Campbell sharpened his attack on the centre by making accusations against Dr Moore, now deputy head of social sciences at Curtin University, Mr Campbell linked Dr Moore's birth place to his work at Yakabindie.

After attacking the academic qualifications of Dr Moore, now deputy head of social sciences at Curtin University, Mr Campbell linked Dr Moore's birth place to his work at Yakabindie.

"It is quite clear that Canada is the beneficiary of any disruption to mining in Australia, especially uranium and nickel mining," he said.

The centre appeared to be a mixture of commercial opportunism and Green activists, he said.

In a June 17, 1995, letter tabled by Mr Nevill, Mr O'Connor alleged Professor Bowdler was a member of the Communist Party of Australia.

Professor Bowdler laughed yesterday when asked if she was a communist and said she had never been a member of any political party.

The West Australian has a letter Mr Campbell wrote to UWA on April 28, 1992, in which he said UWA was aware from previous discussions that he was extremely concerned about the operations of the centre.

Mr Campbell said he understood the departmental review recommended the centre's closure but UWA did not appear to be shutting it.

Among the five people he sent copies to was Joe Poprzeczny, the Sunday Times journalist who has written many articles on the Rindos affair.

Another copy went to Associate Professor Neville Bruce, the UWA academic who convened the three-member review panel which examined archaeology in 1991 and who later came to argue the Rindos case for tenure.

The review panel recommended the centre's activities be discontinued for the time being.

Professor Gale closed the centre.

At the time of closure, Professor Bowdler said the turn of events had been brought on partly by mining interests which would prefer not to see a viable centre for prehistory operating, especially in relation to the sensitivity of Aboriginal sites.

Last year, when Mr Nevill and Goldfields politician Julian Grill met Professor Gale and

deputy vice-chancellor Alan Robson, they asked them to provide money to employ Dr Rindos at Edith Cowan University. UWA did not accept the suggestion.

Later, on December 14, Mr Nevill made a speech in the Legislative Council that was highly critical of Professor Bowdler and Professor Gale. He tabled many documents, which were criticised by UWA as being selected to provide a biased view.

Asked later by *The West Australian* if he had contacted Professor Bowdler for her side of the story, Mr Nevill admitted he had not done so.

Because Mr Nevill tabled the documents in Parliament, the Sunday Times and the Australian newspapers have been able to refer to them and his speech without risking legal action.

Mr Nevill, who was a mining geologist before entering Parliament, has said he worked on Yakabindie, the nickel mining site.

● Tomorrow: colleagues speak out

Teaching and Research positions

1991-date	Senior Lecturer in Archaeology University of Western Australia, Nedlands 6009 WA Austral
6/1989 - 3/1991	Senior Lecturer Department Head: 11/12 1989, 2/1990 - 2/1991 Archaeology Department, University of Western Australia, Nedlands 6009 WA Australia
8-12 1988	Visiting Fellow. Department of Prehistory, Research School of Pacific Studies. Australian National University Canberra ACT 2601 Australia
9-12 1987 1-6 1987/8	*Assistant Professor. Department of Natural Science, Michigan State University, East Lansing MI 48824 USA
8-12 1986 2-5 1987	*Visiting Assistant Professor. Anthropology Department, University of Missouri, Columbia MO 65211 USA
8-12 1985 1-6 1986	Researcher. Archaeology Concentration. Cornell University, Ithaca NY 14853 USA
3-12 1984 1-5 1985	Research Associate. American Indian Studies Program. Cornell University Ithaca NY 14853 USA
1-6 1983	Visiting Scholar. Institute for Advanced Studies. University of Illinois Urbana IL 61801 USA
8-12 1983	*Visiting Assistant Professor. Department of Anthropology. University of Illinois Urbana IL 61801 USA
1-6 1982	George F. Miller Visiting Scholar. University of Illinois Urbana IL 61801 USA
9-11 1982	Lecturer. The Cornell Plantations Ithaca NY 14853 USA
6-8 1982	Teaching Assistant. Archaeology. Cornell University Ithaca NY 14853 USA
6-8 1977	Ethnobotanist and Paleoethnobotanist. The Sula Valley Archaeological Project Honduras C.A.
6-8 1976	Paleoethnobotanist. The Alambra Project Cyprus

* Australian equivalent is Lecturer without tenure.



References solicited

DAVID RINDOS and supporting media reports have drawn attention to references from academics backing the claim that he is a world-renowned archaeologist.

The references are mainly from United States academics, some very prominent. Very few Australians responded.

One US academic who provided a glowing reference for Dr Rindos warned UWA about him in private.

Many of the references appear to be in response to information provided in a letter or on the Internet by Dr Rindos, and their contents match his suggestions.

The West Australian has a copy of one such letter dated March 15, 1993, which is headed: "Please destroy this after reading it" and advises the recipient what to say in a reference.

In the letter, Dr Rindos asks for a reference to help him prevent denial of tenure — a permanent contract at UWA — as recommended by the tenure review committee.

In a note to Australians, Dr Rindos says statements "implying/saying that the archaeology program at UWA is basically being blacklisted in the Australian community of archaeologists would not hurt either".

UWA has never been blacklisted by Australian archaeologists.

Dr Rindos also says: "Likewise, if any of you are, or know, editors who would be willing to see some of my manuscripts which have been delayed by this ongoing s... and who would be willing to read and perhaps give a 'this is likely to be published' reading on them, we might be able to sidetrack one of the pieces of bulls... the review committee has been using."

Most of the Americans who responded appeared to have based their opinion of Dr Rindos almost solely on his book, *The Origins of Agricultural Systems*, a theoretical work published in 1984 and not cited in standard archaeological texts.

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THE RINDOS AFFAIR

Failure to publish cost job

SPECIAL REPORTS BY MICHAEL DAY

FORMER University of WA academic David Rindos lost his job after a committee found he had had only three articles published in reputable journals in 3½ years while comparable staff averaged 15.

Dr Rindos has claimed he was denied tenure in 1993 as punishment for being a whistleblower on problems in the archaeology department.

There have also been claims that Dr Rindos was the only UWA academic denied tenure.

But UWA vice-chancellor Fay Gale has said such claims give the wrong impression. Many academics had left quietly and got jobs elsewhere after being told their performances were not up to standard, she said.

Dr Rindos was an exception, choosing to make his case public and contest the decision.

At the time, Dr Rindos could have been denied tenure merely on the recommendation of the head of the division of science and agriculture, Mike Partis, now Secondary Education Authority director.

UWA established a tenure review committee to examine Dr Rindos' application for tenure.

Its members were deputy vice-chancellor Professor Robert Wood, centre for legumes in Mediterranean agriculture director Alan Robson, who is now deputy vice-chancellor, division of arts and architecture head John Jory, clinical professor and UWA senator Alex Cohen and UWA senator Brenda Robbins.

Dr Rindos later argued the committee members did not have the academic credentials or expertise to judge his performance. He also attacked members — and Dr Partis — on other grounds, including personal behaviour.

Reporting to Professor Gale on behalf of the committee, Professor Wood said Dr Rindos had given it a list of works in press, meaning they had been accepted for publication.

Pressed for proof, such as a letter of acceptance from an editor, Dr Rindos said none of

the papers was close to publication, Professor Wood said.

Dr Rindos had included in his list of publications reprints of two works completed before he came to UWA, he said.

Dr Rindos later protested that a publication the committee labelled a reprint was a Spanish translation of a book he had written.

He argued that it was rare for an author to have a scholarly book translated and it should have been given at least as much weight as an original publication.

The committee allowed the inclusion in its assessment of a Rindos article in the prestigious journal *Archaeological Method and Theory*, even though it was written before he came to UWA.

The committee accepted that Dr Rindos had been a productive researcher before his arrival at UWA.

It decided unanimously by secret ballot that Dr Rindos not be granted tenure.

But it gave him a chance to respond to its questions. The committee then met two other academics at Dr Rindos' request.

They were Professor Bernard Moulden, a member of the UWA committee which reviewed archaeology, and Professor Charles Oxnard, head of the division of science and agriculture.

But the committee again voted unanimously by secret ballot that Dr Rindos not be given tenure.

The committee's report records that the academic union representative Kerry Evans and UWA human resources director Sally Zanetic were present at both meetings to see the process was fair and to provide industrial advice.

Dr Rindos later circulated a letter saying he had provided information proving his publication level was seven to 10 times greater than the Australian average in his area of study.

He used other figures to claim his publication rate was 12 times the average in the humanities and seven times greater than that in the social sciences.

He also said he wrote very long papers.



Examiner: Professor Alan Robson, who was on the committee that examined Dr Rindos' application. PICTURE: DON PALMER

Worry about attitude

THE coordinator of the University of WA's archaeology consulting arm, the Centre for Prehistory, criticised David Rindos in 1991 for his attitude towards working with Aboriginal communities.

Peter Veth said Dr Rindos clearly did not understand the sensitivities involved.

In late 1991, a UWA committee, to which Dr Rindos gave evidence, recommended closure of the centre "for the time being". Long-time critic Kalgoorlie MHR Graeme Campbell put pressure on UWA to close the centre.

UWA vice-chancellor Fay Gale closed the centre in 1992. It had upset Dominion Mining over its report on a proposed nickel mine at Yakabindie, 400km north of Kalgoorlie.

In March 1991, Dr Veth wrote to Professor Charles Oxnard, the head of UWA's division of agriculture and science, and said Dr Rindos had made a number of public statements at seminars and meetings that suggested he believed Aboriginal liaison was laborious, costly and, at times, undesirable.

Dr Veth told Professor Oxnard that Dr Rindos failed to understand the central role of research in high-quality heritage survey and mitigation work.

The West Australian has obtained a copy of a letter from Dr Rindos to a United States academic in which he says the three-year PhD scholarships in Australia were too short for archaeology "where Aboriginal consultation alone can easily take a year before gaining permission to dig (don't even get me started on this one — but imagine the problems with having to get your permission to dig in NY State from a bunch of illiterate, often-time drunk Seneca Indians on a reservation)".

Dr Rindos said last week the type of scene he described was a well-known problem. He compared it with native North Americans selling land for a few blankets.

Nevill to explain

STATE Opposition Leader Jim McGinty said yesterday it appeared Labor MLC Mark Nevill had presented only one side of the Rindos affair in Parliament.

In his speech in December, Mr Nevill attacked UWA vice-chancellor Fay Gale and made an innuendo about her private life.

He also criticised archaeology professor Sandra Bowdler without asking for her side of the story.

Mr McGinty said he would talk to Mr Nevill when he returned from a trip to India about whether a breach of parliamentary privilege had occurred.

His early impressions based on reading the Sunday Times had been changed after reading *The West Australian*. It now appeared no one could walk away from the messy affair knowing they were right.

A wider inquiry might

Air cleared on sex literature

UNIVERSITY of Queensland academic Ian Lilley has responded in a light-hearted letter to a claim reported by the Sunday Times that he borrowed homosexual literature from former University of WA colleague David Rindos.

In a report in *The West Australian*, Dr Lilley complained that Dr Rindos had subjected UWA archaeology staff and students to sexual harassment by continually referring to sadomasochism, bondage and other sexual activities.

Reacting to Dr Rindos' claim in the Sunday Times, Dr Lilley wrote: "My wife and I were amused by the revelation in the Sunday Times that I had borrowed some of Dr Rindos' sexual literature for my own purposes."

"I remember the event in a general way, but my wife was present at the time and her memory of the circumstances is crystal clear."

"To her best recollection, Dr Rindos offered us the material after a detailed description of sexual

activity with a partner he called his 'puppy'."

"He offered the literature because he said it would help us 'breeders', as he called us, understand how dominating someone and inflicting pain upon them were acts of love."

"The material sat on my desk at work for what I thought was a polite period and was then returned to Dr Rindos unread."

"Our only purpose in accepting the material was to shut him up. Sadly, it didn't."

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Pair raised concerns

SPECIAL REPORTS
BY MICHAEL DAY

TWO of the three members of a University of WA committee which publicly rejected a conflict of interest allegation against UWA's archaeological consulting arm later raised it privately with Vice-Chancellor Fay Gale and two senior academics.

The closure several months later in 1992 of the Centre for Prehistory has emerged as one of the main issues in the controversy surrounding the denial of tenure to former UWA academic David Rindos.

The closure by Professor Gale came after UWA committee recommendations and pressure from Kalgoorlie MHR Graeme Campbell.

The two UWA members of the



1991 review of the UWA archaeology department, Associate Professor Neville Bruce — later to be a tenure referee for Dr Rindos — and Professor Bernard Moulden, sent a confidential memo to Professor Gale in January 1992, raising concerns against the centre and archaeology Professor Sandra Bowdler, which less than a month earlier the whole committee effectively had dismissed.

In their memo, sent to UWA division heads Professor Alan Robson and Professor John Jory, Professors Bruce and Moulden said: "Because

the director of the Centre for Prehistory (Professor Bowdler) has an influential position on a number of relevant committees outside the university, there was alleged to be a conflict of interest regarding the university's involvement in commercial archaeology.

"We were told that this could damage both the university's reputation and its finances."

The third member of the committee was its only archaeologist, Professor Isabel McBryde of the Australian National University, who was experienced in hearing complaints by mining and consulting interests about independent archaeological reports.

Dr Rindos had given a submission to the committee in which he criticised the way the centre was run.

The full committee's report,

signed by the three members, said work by the centre had set high standards of consultancy reporting in the State and that Professor Bowdler "was largely responsible for the considerable improvement of standards of archaeological consulting work in the field and the quality of its reporting in Western Australia".

The report then referred to perceptions by private archaeological consultants that Professor Bowdler's membership of the Aboriginal Cultural Materials Committee, which issued permits to work in Aboriginal heritage areas, represented a conflict of interest because she was director of UWA's Centre for Prehistory, a competitor of the private consultants.

Some of the more vocal members of the consulting industry had complained that the cultural materials

committee had discriminated in favour of the centre when examining applications and assessing reports, and there had been a reference to a "closed shop", the report said.

It acknowledged that Professor Bowdler was in a difficult position because of the demands of her joint role, and there could be perceptions of conflicts of interest by outsiders.

Professor Bowdler has said the committee always adheres scrupulously to accepted practices and that its work is closely monitored by the museum's board of trustees.

The review committee recommended the centre close, not because of its quality of work, but because it said it was difficult for a small department to operate a significant centre as well as attend to its essential teaching and research roles.

Critics linked to centre's opponents

FIVE of the seven students or former students who criticised archaeology professor Sandra Bowdler to a university committee in 1992 had been employees at various times of private consultants bitterly opposed to the UWA Centre for Prehistory.

Those students were also members of the minority faction of students who supported David Rindos, an archaeology lecturer who had strongly criticised the centre, the archaeology department's consulting arm.

The committee, comprising Professor Doug Clyde and Associate Professor Stan Hotop, said the formulation of the submissions did not give rise to any inference or suggestion of collusion on the part of the authors.

The overwhelming number of submissions to the committee supported Professor Bowdler and her department, but criticism came from seven of the nine students and five of the six archaeological consultants and miners who had made submissions.

In a confidential 1992 letter obtained by *The West Australian*, Professor Bowdler told vice-chancellor Fay Gale there was a suggestion of

collusion in submissions put to the committee.

Professor Bowdler gave Professor Gale copies of memos written by her and colleague Ian Lilley in September 1991 in which they expressed concerns that two postgraduate students had been actively soliciting negative contributions at UWA to the forthcoming committee which would review archaeology.

She said she was aware of four individuals at other universities who had been approached.

She said allegations of conflict of interest made against her because of her position on the Aboriginal cultural materials committee had been directed against her and her department previously but it was alarming to see the university apparently bowing to the pressure.

"The Centre for Prehistory has never, in fact, sought to compete in specifically commercial ways with external consultants," Professor Bowdler said.

"It has always charged very high fees, with the aim of providing an excellent service.

"Despite some odd comments to the contrary, this is hardly calculated to disadvantage private consultants, who regularly undercut our quotes."



Accused: Dr Rindos displayed destructive behaviour, according to a former UWA colleague.

Behaviour led to complaints by four colleagues

FOUR staff members at UWA's archaeology department complained about their colleague David Rindos to university professors in March 1991.

The only other academic staff in the department were Professor Sandra Bowdler and Dr Rindos, who was denied a permanent contract at UWA in 1993.

The complaints were made eight months before a routine review of the department at which Dr Rindos made strong allegations against Professor Bowdler.

Dr Rindos last week dismissed such complaints as coming from a certain group and said they had been made after he had discovered management problems in the department.

Lecturer Ian Lilley wrote to Professor Charles Oxnard, then UWA's agriculture and science division head, saying Dr Rindos' behaviour was "intolerably destructive, distracting and demoralising".

Dr Lilley said that after a year of Dr Rindos as acting departmental head, he resolved to resign "owing to the difficulties Dr Rindos created through his unusual attitudes to departmental administration, undergraduate teaching and postgraduate supervision, as well as his entirely negative attitude to research".

He said Dr Rindos resented Professor Bowdler's return to her post as departmental head and was "manifestly determined to go to extraordinary lengths to frustrate her otherwise successful attempts to weld the department back together and re-establish a clear sense of mission in research and teaching".

Dr Lilley, now a principal researcher at the University of Queensland's Aboriginal and Torres Strait Islander

unit, also wrote about what he described as Dr Rindos' continuing attempt to subvert democratic decision-making.

Professor Oxnard told Dr Lilley that Dr Rindos was perhaps more distressed than him and that Dr Lilley should do what he could to help.

Sue O'Connor, now a research fellow at the Australian National University in Canberra, said in her letter to Professor Oxnard that Dr Rindos had taken over as her PhD supervisor when she was two months off submitting her thesis.

"The only chapter I gave Dr Rindos for review — my final and most important chapter — he failed to comment on," Dr O'Connor said. "When after one month I went to him and asked for an appointment to discuss it with him, he stated he had lost it."

Dr Lilley then took over and supervised her work, she said. Dr O'Connor, who had lectured and tutored since 1983, found students started making abusive interjections during and after lectures. She said the principal student involved told her his views came from Dr Rindos.

"Several other students indicated that following his classes at Steve's Hotel (his usual venue) Dr Rindos had discussed with them what he perceived to be Dr Lilley's and my intellectual weaknesses."

Dr Peter Veth, then coordinator of the Centre for Prehistory, said in his letter to Professor Oxnard that he had contemplated resigning many times in 1990. Two months before the letters were written by the three lecturers, Madge Schwede, then a tutor, wrote to Professor Bowdler saying she was disturbed by Dr Rindos' lack of professionalism.

Chefs off to Berlin

A TEAM of WA chefs has won the right to represent Australia in the World Culinary Olympics in Berlin in September.

Captained by Bert Lozey, the executive chef at Perth's Radisson Observation City Hotel, the team will face fierce competition from more than 2500 chefs from 30 countries.

Team member David Purslow said the team would hone its skills before September with demonstrations and promotions around Australia.

The rules of the event were strict and pressure on the team to perform well was tremendous, Mr

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Scrupulous report

IT WAS pleasing to read Michael Day's reports on the Rindos affair which finally presented an unprejudiced account of the events surrounding the long-running controversy about Dr Rindos' time at UWA.

The level of misinformation and the scandalous sensationalism of the press reports that have up until now been published about this issue have been deeply distasteful to anyone who recognised the overt one-sidedness and prejudice of these reports.

I am one of many people at UWA who admires Professor Bowdler as a colleague and respects both her contribution to the work of the university and to her profession.

Congratulations to Michael Day on his careful and scrupulous reporting of the Rindos affair.

DELYS BIRD, Faculty of Arts, UWA.

THE WEST AUSTRALIAN, WEDNESDAY MARCH 13 1996

13

Gale's UWA action 'minimal'

By KATE LEGGE

UNIVERSITY of Western Australia vice-chancellor Professor Fay Gale opted for the "minimum" response to allegations of serious misconduct involving archaeologist Professor Sandra Bowdler, a newly released report shows.

The Clyde-Hotop report which advised Professor Gale on possible courses of action over the allegations also confirms the limited scope of the university's investigation into the archaeology affair.

No attempt was made to substantiate allegations that were publicised following the tabling of documents in the West Australian Parliament.

The documents allege that Professor Bowdler's personal relationship with female students contributed to perceptions of favouritism and victimisation and an environment where personal prejudices influenced academic decisions.

The archaeology affair at UWA began in 1991 when three postgraduate students complained of inequitable treatment by Professor Bowdler to the then deputy vice-chancellor.

Professor Gale decided not to

pursue allegations of serious misconduct following external legal advice from one source that it was unlikely disciplinary action could be initiated under the relevant award even if the allegations could be proven.

The Clyde-Hotop report said that such a case would require careful preparation and a preparedness for the complainants to go public but recommended that if Professor Gale did not pursue this course "it may nevertheless need to be demonstrated why it is not appropriate before it is ruled out".

The report advised Professor Gale that a "minimum" course of action should involve advising Professor Bowdler about the allegations relating to her conduct and management style.

Professor Gale interviewed Professor Bowdler and requested a written response which included guarantees as to her future proper conduct.

The Clyde-Hotop report gave no weight to submissions from Professor Bowdler and her supporters criticising Dr David Rindos, a former senior lecturer in archaeology who had supported student allegations of miscon-

duct and was later denied tenure.

The university says Dr Rindos was denied tenure for academic reasons only and has dismissed suggestions that he became the scapegoat for his role in the archaeology affair.

But according to documents obtained under Freedom of Information some of the principals involved in handling the archaeology crisis were canvassing Rindos's removal as a potential solution to this administrative nightmare a year before tenure was denied.

A memo from the principal industrial officer to Professor Gale in May 1992 notes: "The continuing problems in archaeology would indicate that there are grounds for questioning Dr Rindos's suitability for tenure."

A month later Professor Bernard Moulden, co-author of the 1991 archaeology review, wrote to an administrator responsible for Dr Rindos's case, questioning his argument for denial of tenure.

"When we discussed it you based your argument primarily on managerial grounds, not on grounds of academic principal or natural justice," Professor Moulden said.

Australian, 13 March 1996, p. 36

THE RINDOS AFFAIR

Centre was vital: Bropho

SPECIAL REPORTS
BY MICHAEL DAY

NYOONGAR elder Robert Bropho said the University of WA's Centre for Prehistory was missed by Aborigines because of its honest reports on Aboriginal heritage issues.

Mr Bropho said yesterday he wrote to UWA vice-chancellor Fay Gale in 1992 and asked her to keep the centre open because of concerns about protection of Aboriginal heritage, religion and culture.

The centre was UWA's archaeolog-

ical consulting arm and it carried out Aboriginal site surveys.

Professor Gale closed the centre because of political pressure and the recommendations of two university committees which looked into the Rindos affair.

The centre's closure has emerged as one of the main issues in the controversy surrounding the denial of tenure to former UWA academic David Rindos.

On July 20, 1992, Mr Bropho asked Professor Gale to reverse her decision.

He said the centre's employees

should be rehired immediately because they were helping Aborigines protect their sacred sites.

Yesterday, Mr Bropho said archaeology professor Sandra Bowdler was one of the few honest people left.

"She believed in natural justice for people and the right for people to be heard, especially Aboriginal people," he said. "We respect her for her honesty."

The centre was examined during the 1991 review of the archaeology department by Associate Professor Neville Bruce, Professor Bernard Moulden and Professor Isabel McBryde.

They rejected allegations of conflict of interest based on the fact that Professor Bowdler was head of archaeology and a member of the Aboriginal Cultural Materials Committee, which assessed site reports before development permits were issued.

The review committee said that Professor Bowdler, in carrying out her duties as a member of the ACMC, had acted in the interests of both the Aborigines and archaeology in general.

It said there could be perceptions of conflict of interest by people

unfamiliar with the ACMC's procedures.

"The centre, through its operation in the commercial world, is occasionally the subject of criticism," it said.

"This is especially the case from some practising consultant archaeologists who see their commercial existence and professional livelihood threatened."

In recommending that the centre be closed because of its demands on staff time, the review committee did not reject the possibility that the university might get involved in commercial archaeology again.

Backers' inquiry bid hit a snag

THE two main academic supporters of former University of WA senior lecturer David Rindos have been rebuffed after trying to get a second UWA body to look into the long-running controversy.

Associate Professor Neville Bruce and Professor Charles Oxnard, both of the anatomy and human biology department, asked for an investigation by the UWA's supreme administrative body, the senate, and by the university's powerful professorial committee, the academic board, but the board probe has been refused.

The senate announced an inquiry into the Rindos affair on February 26.

On March 4, Professor Bruce asked the chairman of the academic board, Professor Mel Sargent, to circulate the letter to all members of the academic board for consideration and debate.

Professor Sargent circulated the memorandum on March 6 with a letter in which he said he saw little value and the considerable likelihood of additional confusion resulting from the board entering in what could only be a partly informed debate with no clear focus.

Professor Bruce was the convener of the 1991 UWA archaeology review committee, which heard allegations against Professor Sandra Bowdler and Dr Rindos.

He spoke to vice-chancellor Professor Fay Gale of his serious concerns about the allegations against Professor Bowdler.

He said yesterday he could not recall exactly if he had told Professor Gale about the allegations against Dr Rindos but he said he did not put as great a weight on them as those made against Professor Bowdler. The complaints about

Dr Rindos were seen as part of inter-staff campaigns.

He said that during the review period he heard numerous allegations by students.

Professor Gale said last week she had not been told at that time of the allegations about Dr Rindos by Professor Bruce or his UWA colleague on the review committee, Professor Bernard Moulden.

The West Australian has a copy of a three-page submission to the review convened by Professor Bruce in which archaeology lecturer Ian Lilley detailed serious complaints about Dr Rindos on matters involving personal behaviour, administration, teaching and views on Aborigines.

Professor Bruce later wrote two letters in support of Dr Rindos' tenure application.

He said yesterday that he wrote the letters because Dr Rindos could not be judged on the work he did, considering the academic environment in which he worked.

In March 1993, he wrote a public letter supporting Dr Rindos in which he said that, from the objective evidence he had, there was no doubt he deserved tenure, a view rejected unanimously by the UWA tenure committee, which comprised four senior professors and a member of the senate.

In his letter, Professor Bruce did not mention the complaints he had heard about Dr Rindos.

He also said a charge of sexual harassment against Dr Rindos was not pursued, indicating to him that it was without foundation. He said the university owed Dr Rindos an apology.

The sexual harassment allegations were dealt with by mediation.



Appeal against closure: Nyoongar elders Ben Taylor, left, and Robert Bropho during a 1992 meeting on the Centre for Prehistory with UWA vice-chancellor Fay Gale.

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Claims tear at fabric of university

WHEN Professor Bowdler arrived as foundation archaeology professor at the University of WA in 1983, she had a considerable reputation in her field.

In 1987, a review committee heard no complaints about her work and recommended the formation of an archaeology department.

But in 1992, former staff member Associate Professor Sylvia Hallam said Professor Bowdler was scornful of colleagues' opinions and had a habit of making arbitrary decisions.

In 1988, Professor Bowdler recommended that Dr Rindos, a PhD from Cornell University and an author of a well-received book on evolutionary anthropology, be hired to balance the practical archaeology expertise already in the department with his skills in paleobotany.

Dr Rindos arrived in mid-1989 and got on well with Professor Bowdler, who went overseas in early 1990, leaving him acting head of department.

That was when the problems began. Dr Rindos claimed he found evidence of mismanagement.

Professor Bowdler received complaints about Dr Rindos from staff and students and pointed out his shortcomings in teaching, research and personal relationships.

Dr Rindos was moved to the geography department.

A routine review of the archaeology department was



The Rindos Affair

□ **Bitter accusations at the heart of the Rindos Affair have rocked the University of WA for four years and exposed some deep divisions in academe.**

□ **MICHAEL DAY looks at the controversy surrounding former senior lecturer David Rindos and archaeology professor Sandra Bowdler.**

convened by Associate Professor Neville Bruce, a departmental colleague of the head of the division of science and agriculture, Professor Charles Oxnard.

The submissions have since been destroyed but Professor Bruce has said the gravity of allegations made against Professor Bowdler kept him involved in the affair.

Vice-chancellor Professor Fay Gale said she heard from the UWA review members of the allegations against Professor Bowdler but not Dr Rindos. *The West Australian* has a copy of the complaints by

staff against Dr Rindos and they are hard to forget.

Professor Gale called on UWA engineering professor Doug Clyde and law associate professor Stan Hotop to advise her.

By far the majority of submissions supported Professor Bowdler. The professors divided the complaints into different categories. They did not involve any allegations of sexual impropriety.

Four staff but no students complained about Dr Rindos to this review but the professors failed to describe the complaints, categorise them or suggest how they should be dealt with.

Professor Gale says she received advice from two lawyers who advised her that a charge of serious misconduct against Professor Bowdler was unlikely to succeed given the nature of the complaints.

She did not order any investigation into the complaints made by students, staff or consultant archaeologists and miners.

Professor Bowdler, who had not known of the allegations about her until she met Professor Gale in April 1992, was required to answer a list of questions and give certain guarantees.

That same year, Dr Rindos had sexual harassment charges against him dealt with by mediation. The following year, the UWA senate confirmed Professor Gale's decision to deny him tenure.

● Editorial, page 12

Conflict countdown

- **1987:** Review of forerunner of archaeology department: clean bill of health.
- **December 1991:** Review of archaeology gives high praise for academic and consulting work, refers to allegations of inequitable practices, recommends investigation of management practices.
- **March 1992:** Most submissions in Clyde/Hotop review favour Professor Sandra Bowdler. Review suggests courses of action to vice-chancellor Fay Gale. They include closing the Centre for Prehistory and putting archaeology within the anthropology department.
- **April 1992:** Professor Gale asks questions of Professor Bowdler and is given answers and assurances.
- **1992:** Tenure committee looks at Dr David Rindos case.
- **February 1993:** Committee recommends unanimously against tenure.
- **1993:** Professor Gale tells Dr Rindos he does not have tenure.
- **June 1993:** UWA senate confirms decision against tenure.
- **1996:** Ombudsman agrees to look at Rindos case.
- **February 1996:** Media pressure leads to UWA senate setting up committee to review Rindos case.

For and against

FOR RINDOS:

- 25% (3) of PhD students and four other students. Most had worked for opponents of UWA Centre for Prehistory.

■ Professor Charles Oxnard, department of anatomy and human biology, Head of Division of Agriculture and Science before Dr Partis.

■ Associate Professor Neville Bruce, now head of department of anatomy and human biology, convenor of three-member archaeology review committee.

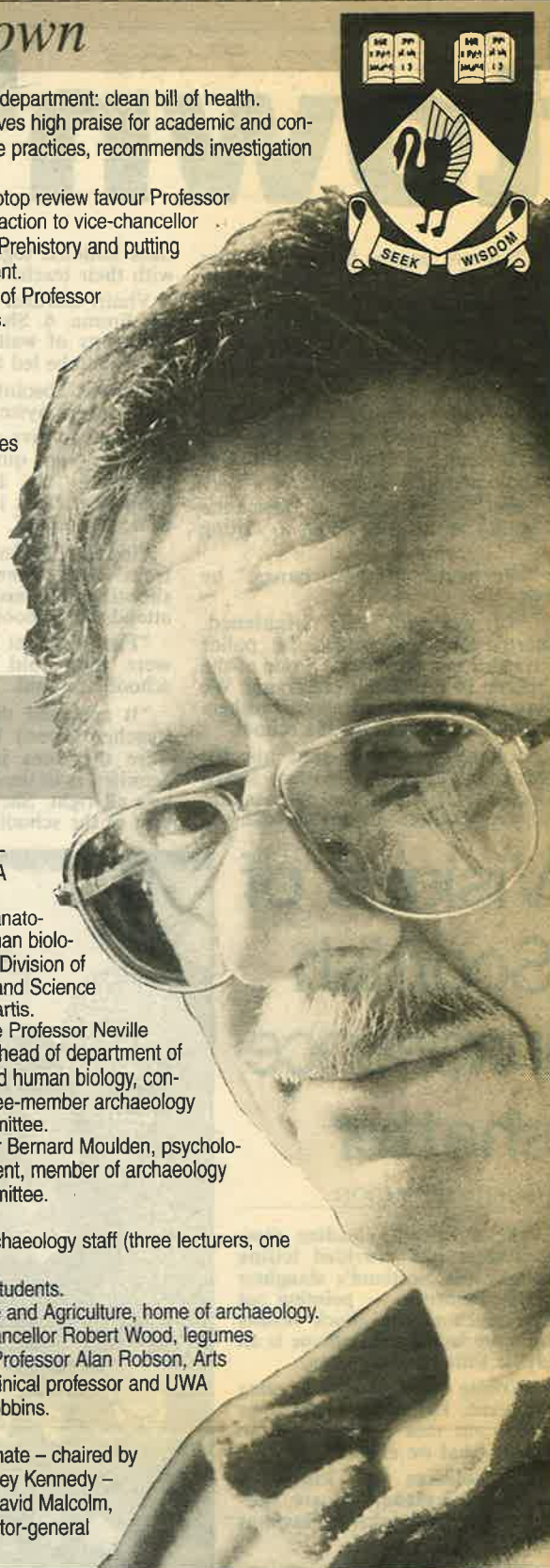
■ Professor Bernard Moulden, psychology department, member of archaeology review committee.

AGAINST RINDOS:

- Professor Sandra Bowdler and all UWA archaeology staff (three lecturers, one tutor).
- 75% (9) of PhD students and many other students.
- Dr Mike Partis, Head of Division of Science and Agriculture, home of archaeology.
- Tenure review committee: Deputy Vice-Chancellor Robert Wood, legumes centre director, now Deputy Vice-Chancellor Professor Alan Robson, Arts and Architecture head Professor John Jory, clinical professor and UWA senator Alex Cohen, UWA senator Brenda Robbins.
- Vice-Chancellor Professor Fay Gale.
- UWA supreme administrative body, the Senate - chaired by WA Inc. royal commissioner Mr Justice Geoffrey Kennedy - whose members included WA Chief Justice David Malcolm, Janet Holmes a Court, former education director-general Greg Black and others.



Professor Sandra Bowdler



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Centre lost support after mine report

NINE months before the closure of the University of WA Centre for Prehistory in 1992, then premier Carmen Lawrence gave an explanation for not independently assessing competing archaeological reports on a proposed mine site at Yakabindie.

Political pressure was put on UWA to close the centre after a report by its consultants found many Aboriginal heritage sites at Yakabindie, 400km north of Kalgoorlie.

The report upset Dominion Mining, which proposed a nickel mine.

The UWA centre, a big issue in the dispute involving former UWA academic David Rindos, assessed the significance of Aboriginal sites near proposed mines.

Dr Lawrence told centre coordinator Peter Veth and consultant Philip Moore, the Government's advisory body, the Aboriginal Cultural Materials Committee, had considered a report by private consultants Rory O'Connor and Gary Quartermaine in April 1990 and recommended to the Minister for Aboriginal Affairs that Dominion Mining be given consent subject to a condition for one site.

"The Moore and Pope report from the Centre of Prehistory, which was commissioned as a supplementary report by Dominion, was also referred to the ACMC who recommended that the independent assessment of both reports be carried out," Dr Lawrence said.

"The State Government received legal advice that the original consent remained valid despite the identification of any additional sites.

"It was therefore decided by both the Government and Dominion not to proceed with the independent assessments as little could be gained by providing an opportunity for the differing Aboriginal interests to continue their public argument, given Ngalia's open opposition to any mining at Yakabindie.

"I would like to point out that the decision not to proceed with an independent assessment of the two contrasting anthropological reports bears no reflection on the validity of the second report or on the work of the Centre for Prehistory. It is acknowledged that the quality of the centre's work is recognised throughout Australia," she said.

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THE ISSUES

Many casualties in Rindos affair

The West Australian

PERTH FRIDAY MARCH 15 1996

WHATEVER the rights and wrongs of the bitter academic maelstrom that has become known as the Rindos affair, the reputation of the University of WA is the major long-term casualty.

The continued volleys passing between bickering factions over the administration of archaeology studies and research have left an ugly stain on UWA's enviable tradition of academic excellence.

The long-running controversy has exposed serious shortcomings in the university's capacity to manage academic staff and an alarming inability to cope effectively with pressures from community and other groups beyond campus boundaries. One of the most worrying aspects of the issue is the university's apparent willingness to bow to pressure from mining interests to close its archaeology centre, which was involved in assessing sites of Aboriginal interest.

This action could be interpreted as a betrayal of the principle of academic freedom, which should be the guiding tenet of the university's existence. Although the centre was closed after an internal review, the perception remains that complaints from miners and private archaeological consultants contributed to the closure decision.

Since the affair erupted into a public scandal, UWA's failure to argue its case coherently and convincingly suggests a cloistered ethos out of touch with modern communication techniques and community demands for accountability by public institutions.

By any reading of evidence publicly available, the university followed the correct procedure and was justified in denying tenure to Dr David Rindos, a former senior lecturer in archaeology. The committee that considered Dr Rindos' future found unanimously against granting him tenure on the basis of his academic record.

But when Dr Rindos decided to challenge that judgment with a public campaign, the university was again found wanting. It is clear that it was ill-equipped to defend its decision in the face of public criticism and demands for explanations.

It can be argued that the university was an architect of its misfortune when it hired Dr Rindos, a plant geneticist, for its archaeology department. Some academics argue that Dr Rindos was

manifestly unqualified for the job to which he was appointed.

One of the lessons the university should have learnt from this unsavoury episode is the need to tighten its recruitment procedures.

Some of the practices followed by academic staff which have been highlighted during this affair raise serious questions about the effectiveness of the university's standards of conduct and its ability to police them.

Malicious backbiting in academe is no new phenomenon — by their nature, universities are competitive and operate as an arena of conflicting ideas and ideals. But the tawdry saga of sexual smear and counter-smear reflects badly not only on the people involved but also on the university.

UWA has a chance to salvage something from this wretched affair if its new senate inquiry not only establishes the facts of the Rindos case but also recommends procedures to guard against a repetition — and suggests ways in which the university can become more accountable for campus conduct to the community it is obliged to serve.

Miner 'pressured UWA'

BY MICHAEL DAY

COMMERCIAL pressure was put on the University of WA to shut its Centre for Prehistory six months before it closed its doors in mid-1992, documents tabled in State Parliament reveal.

In November 1991, Dominion Mining presented a submission strongly critical of the centre to the UWA committee reviewing archaeology, and three months later sent a copy to vice-chancellor Fay Gale.

The closure of UWA's archaeological consulting arm by Professor Gale in July 1992 was a controversial outcome of the long-running affair involving former UWA archaeology lecturer David Rindos.

Dominion criticised the centre's ethnographic survey of the proposed nickel mining site at Yakabindie, 400km north of Kalgoorlie.

A previous survey by private consulting anthropologist Rory O'Connor reported no Aboriginal sites, a finding disputed by the Ngalia Heritage Research Council.

Ngalia, supported by the Aboriginal Legal Service, asked for another survey by an anthropologist of their choice.

It nominated Philip Moore, a consultant for the centre. Dominion appointed Dr Moore and colleague Gemma Pope to carry out the second survey.

On the same day that Dominion land manager Pat Spinner wrote to the UWA review committee, consultant Rory O'Connor wrote to Professor Gale complaining about UWA archaeology professor Sandra Bowdler and the centre.

Mr O'Connor, making the same allegation as had Kalgoorlie MHR Graeme Campbell the year before, said Professor Bowdler had a conflict of interest.

She was a member of the Aboriginal Cultural Materials Committee, which gave consent to excavate Aboriginal sites, as well as being head of the UWA department which housed the centre, a competitor to private consultants.



□ Perth Zoo volunteers Graeme Nicholls, Jane Darcy-Burke and Carolyn Shand take time out with resident Tingo, the dingo pup.

Another dog day at work

PERTH Zoo is searching for volunteers to help with its daily operations.

The zoo's volunteer associations need people aged from 18.

The Perth Zoo Docent Association was established in 1993 with 27 volunteers.

Today there are 250 members, each giving a minimum of 120 hours a year to the zoo.

Docent coordinator Marcia Barclay said most recruiting was done by word of mouth, or by visitors to the zoo registering an interest.

"Perth Zoo has continued to develop and offer new services at such a rate that it's important new docents continue to be recruited and trained to cater to its changing needs," Ms Barclay said.

"Docents are not just volunteers, they perform a valuable community

service and contribute to Perth Zoo's conservation and education mission," she said.

"Being a volunteer is very rewarding as well. The docents have a great social life just within the group."

Ms Barclay said docents had opportunities to see aspects of the zoo rarely seen by the public.

All successful applicants take part in a 10-week training program held at the zoo.

Volunteers at the zoo's sponsorship arm, the Perth Zoo Society, work to help raise sponsorship for various animal exhibits.

Zoo Society development manager Wiggy Lovel said Zoo Society volunteers also took adoptions for zoo animals and signed up zoo friends.

"Thanks to the help of the volunteers at the Zoo Society, these programs raise funds directly for the animals," Ms Lovel said.

Uni sex abuse guide slammed

By ANN TREWEEK

A NEW University of WA leaflet on sexual harassment has been criticised for minimising the seriousness of this form of abuse.

A sexual trauma support group is concerned that the leaflet on the UWA policy and guidelines does not suggest police be told about serious incidents.

The leaflet and a new poster on who to contact are being distributed around UWA.

The release follows publicity over allegations of sexual impropriety in the past involving former Professor of Archaeology Sandra Bowdler, and former senior lecturer in archaeology Dr David Rindos — though UWA says the timing is coincidental.

Founder and coordinator of Sexual Trauma and Abuse by Medical Practitioners and allied therapists (STAMP), Janet Lowe, said the new leaflet did not go far enough.

She felt it minimised an important issue which "goes all the way through from harassment to criminal assault. Unwanted, deliberate physical contact is an assault."

Her advice: "Go through the university procedures but definitely make a police report where there's been an assault on the body."

Mrs Lowe is looking into several UWA cases reported by people who have since left.

She is concerned that, with no mention of contacting police, the university wanted to keep the lid on scandal.

She was concerned, too, that the leaflet said "discuss the matter with as few other people as possible".

Deputy vice-chancellor Alan Robson said that in the case of a criminal matter, UWA contact officers, who were trained and experienced, would assist with referral to the police.

"This is not a scheme that operates in isolation," he said.

Professor Robson said it was mainly for reasons of denial of natural justice that people were asked to work through appropriate channels.

"Sometimes we've had situations where a person hasn't gone to a contact officer and the matter has been dealt with inappropriately by another person," he said.

He also insisted the release of the leaflet was "nothing to do with recent publicity".

With 2500 staff and 12,000 students, there was a range of people and behaviors.

The leaflet says people suffering sexual harassment can:

- Tell the person to stop. Do not ignore the problem or blame yourself.
- Seek advice or assistance from a university contact officer.
- Contact the State Equal Opportunity Commission or union.
- In all cases keep a strictly confidential record of what happens.

On-campus procedures involve an informal approach to a contact officer, who will provide support and information on the UWA policy, relevant legislation and options to deal with the problem.

Conciliation may be sought with a mediator's help.

If unresolved, a formal written complaint can go to the vice-chancellor.

The leaflet says sexual harassment includes unwelcome comments, unwanted and deliberate physical contact and unwelcome demands for, or offers of, sexual favors whether subtle or explicit.

It also includes gratuitous displays of sexually explicit written material, audio-visual material or computer images, as well as offensive gestures or actions of a sexual nature.

Meanwhile, the UWA Student Guild has condemned the university's decision to cease funding the Sexual Assault Referral Centre (SARC), which provides a service to the campus.

Guild women's representative, Natalie McGregor, said that until recently the visiting SARC counsellor was paid for by the vice-chancellor's discretionary funds.

Now the guild has to pay \$4500 this year to continue the service.

If the administration was serious about dealing with sexual harassment, then it would fund the SARC service, she said.



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PCC to repair park's lakes

By INGRID JACOBSON

MORE than \$300,000 will be spent to upgrade the four ornamental lakes at Perth's picturesque Queens Gardens which are crumbling at the edges.

The Perth City Council this week voted to fix three of the lakes this year because of their "potentially dangerous" condition.

In 1990, the former PCC commissioned a study of the lakes and a design report was completed, but no further work was done.

But the new council believes the lakes' eroding banks pose a safety threat to visitors who, it fears, could slip on the edges.

The work has been listed as a top priority and surplus funds from this year's budget will be used to fix the problem.

The council may also allocate an extra \$100,000 from the 1996/97 budget to complete the lake stabilisation project.

The gardens, which will celebrate their 100th birthday in 1998, were originally built on the site of a former quarry.

Clay from the quarry was used to make bricks for many of Perth's early buildings, such as the Perth Town Hall.

The garden's central theme is a large fresh water ornamental lake



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"Go for this - Go for that."

UWA report slams Bowdler

A CONFIDENTIAL report into the University of WA's department of archaeology is highly critical of demoted head Professor Sandra Bowdler.

The report, kept under wraps for four years, concluded that: "At the minimum, Professor Bowdler should be advised that the allegations suggest that she appears to be prone to indulging in academic thuggery."

It drew on information in 40 confidential submissions from students, academics, WA Museum staff and consulting archaeologists.

Advice was set out under two headings - serious misconduct and unsatisfactory performance.

UWA academics Professors Stan Hotop and Doug Clyde, asked by Vice-Chancellor Professor Fay Gale to write the report, said the following three matters fell into the category of unsatisfactory performance.

● Professor Bowdler had not supported the right of intellectual freedom of colleagues and students.

● She had resorted to offensive reference and behavior, verging on insulting at times.

● Her administration of her department and the supervision of certain research students had been lax.

Professors Hotop and Clyde said: "In the light of the serious nature of the above-mentioned allegations and the gravity of the possible consequential courses of action, it is vital that the requirements of natural justice be observed in the handling of this matter."

"In the event that action is taken on the ground of unsatisfactory performance or serious misconduct, procedures are prescribed in clauses 8 and 9 of the Industrial Award, which incorporate the requirements of natural justice, and those procedures must be fully complied with."

"Natural justice essentially requires that a person about whom adverse allegations have been made and in relation to whom an adverse decision is proposed or is being considered, be given a reasonable opportunity to reply."

"In cases of this kind, the appropriate course is to apprise the person who is the subject of the allegations, of the substance of those allegations - but yet in sufficient detail to enable that person fully to understand the

Reports by
JOE POPRZECZNY

nature of the case that is being made so she has a reasonable opportunity to respond effectively."

Even though names of people who made submissions were erased by UWA, the report shows Professors Hotop and Clyde believed the complaints against Professor Bowdler "should be taken seriously".

"In our view the formulation of these submissions does not give rise to any inferences of suggestions of collusion on the part of the authors," they continued.

"It will be necessary to be seen to be addressing these matters and one way this may effectively be done would be to disestablish the archaeology department."

Professor Gale has always maintained that archaeology was dismantled as a consequence of an on-going system of reviews of UWA departments.

Professor Bowdler maintained she was never asked to respond to specific allegations by UWA.

She told *The Australian* newspaper that she only had to answer general questions put to her by Professor Gale about her behavior and management.

"I was scratching my head to answer them," said Professor Bowdler in October.

Earlier, she said: "I feel victimised all the time by all of this, I feel I've been totally discriminated against, right down the line."

The report said: "It would be appropriate, however, to ask Professor Bowdler how much time she would reasonably require to consider the allegations and prepare and present her response."

"We reiterate that if it is ultimately proposed to make a decision adverse to Professor Bowdler's interests, she should, at the appropriate time, also be given prior notice of the decision proposed and a reasonable opportunity to make contrary submissions."

● See Whistleblower, Page 44



□ Dr David Rindos claims a smear campaign against him is designed to get UWA off the hook.

Rindos says attack a hatchet job

ARCHAEOLOGIST Dr David Rindos claims a hatchet job has been conducted against him to get the University of WA off the hook after it denied him tenure.

He said that a prolonged attack on his credibility and credentials in *The West Australian* newspaper took the spotlight off the real issues at UWA.

"Problems in the archaeology department were the reasons the department was scrapped and its head, Professor Sandra Bowdler, moved to another department," he said.

"Two inquiries conducted into the department reveal the extent of the problems. I'm a casualty of a situation that existed when UWA asked me to resign my job in America so I would be available to it."

"I don't dislike Sandra, she

recruited me and we used to be great mates."

"But I'm not going to be the fall guy for a problem in her department which has left my career in tatters."

Dr Rindos said it was disturbing, with a UWA Senate inquiry pending, that a secret Clyde-Hotop report kept under wraps for four years should suddenly be given to a journalist.

He said: "Some of the views canvassed by the journalist are perplexing to say the least. Suddenly I'm not qualified for the job. They weren't saying that when I was recruited."

"In fact UWA, through Sandra Bowdler, put pressure on immigration officials to get me into Australia so I could take up a position with the archaeology department."

"A lot of weight was given in

the articles to a former UWA academic, Sue O'Connor, who was critical of me and supportive of Sandra."

"Sue's views must be measured for what they are. I took the job she wanted. She also told me she had a very special relationship with Sandra, which was no secret on campus, that went back to the 1970s."

"I'm not out to get Sandra, I'm not even angry at her, but I'm angry at false allegations that pander to the worst emotions."

"I've already won a \$43,000 WA Supreme Court judgment for identical earlier statements."

Dr Rindos said the only way justice could be served would be if a full and open public hearing was held under oath. But he doubted this could occur through a UWA Senate inquiry given the role UWA had in the prolonged attack against him.

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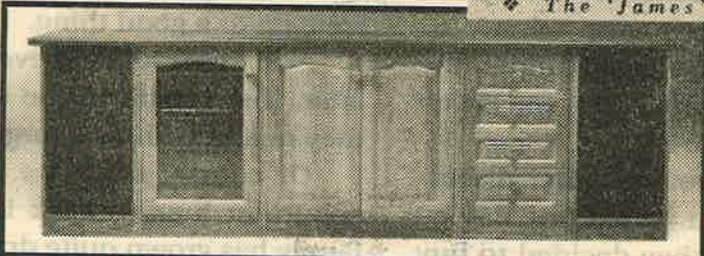
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Bennett's Beat

ROB BENNETT



□ Hallowed halls . . . the Halloween partygoers from the former archaeology department at the University of WA.

In for the dig

WHO would have thought when this snap was taken that these happy chappies would have become the best of enemies and embroiled in WA's biggest university scandal.

They were once a tight family in the now defunct archaeology department at the University of WA.

As reported last week, the person with the Maggie Thatcher countenance on the left is Sandra Bowler and the one in leathers is Dave Rindos. The others are Dr Ian Lilley and his wife Cathy and Celmar Pocock in the tiger suit.

They were pictured at a Halloween party. At the time, Sandra was head, Dave was a senior lecturer, Ian was a lecturer and Celmar a research assistant in the department.

The group has since split wide apart, in more ways than one.

Sandra is the only one left at UWA. The Lilleys are in Brisbane with the Aboriginal and Torres Strait Islanders' Unit, Celmar is in Canberra with the Australian Heritage Commission and Dave is on the dole after having been given the flick by UWA.

Also part of the archaeology group was Sue O'Connor, who is at the Australian National University's pre-history department.

But with battle lines drawn, Dave is the odd person out.

Sue and Ian have sided against him in the dispute, which is about to be investigated by the UWA Senate and proba-

bly other government agencies.

They made some stinging claims this week against his ability as an archaeologist but if you had surfed the Net, like this column, you would have had no indication there would have been an acrimonious falling out in the department that led to it being scrapped.

And if you had access to correspondence, now on the Net, you would have predicted it would have been Dave rather than Sandra who would have received the support of the others.

This week Dr Lilley was reported as complaining to a senior UWA scientist that Dave's behaviour, while acting head of the department, was intolerably destructive, distracting and demoralising and after a year of him being in charge he resolved to resign. Yet the same year he submitted a glowing reference supporting Dave's application for associate membership of the Australian Association of Consulting Archaeologists.

Dave became acting boss of the department when Sandra went off to Hong Kong's Centre of Asian Studies in 1990.

And if a lengthy letter is any indication, she thought far more of him than Ian and Sue at the time.

In it Sandra confided to Dave: "With respect to the more personal level, it does sound a tiny bit like fun and games amongst the Ian-Pete-Sue club. (The Pete she referred to was Sue's former husband, Peter Veth).

"I have always tried to deal with Sue and Pete on an absolutely separate basis

and try to ignore their existence as a single entity - probably easier for me since I knew her years before there WAS any Peter.

"She can be very, very difficult to deal with. Sue has a great deal of loyalty but also a great deal of ego - the trick is to appeal to the latter."

In the same letter she said about Dr Lilley: "Ian: what a pain." And referring to a report going on his file she suggested Dave write a draft and show it to Lilley so he knew what was going on it.

"That should put the frighteners on him enough to make him smarten up his ideas a bit," Sandra wrote.

If all this sounds contradictory then spare a thought for retired archaeologist Professor Sylvia Hallam who was reported saying that Dave should have been sacked as he was not a trained archaeologist.

Is this the same person who went to bat for him and wrote to UWA in November 1992, warning that an injustice may be done if he was not granted tenure?

"Dr Rindos is a research scholar of world standing; he is a dedicated post-graduate supervisor and his carefully prepared (American style) handouts leave no doubt that his undergraduate teaching would put many of his colleagues to shame.

"The question of refusal of tenure would clearly never have arisen were it not that he found himself in conflict with his then head of department, Professor Sandra Bowler," she wrote.

Tom gives sound advice

THE secretary of the State Parliamentary Labor Party has advised members that they will be pleased to know they have been offered a briefing on the new parliamentary TV and audio system.

"Members may find the briefing useful in understanding the implications of the new system on their future involvement in parliamentary sittings," said the secretary.

He should know. He's Tom Stephens, whose voice was picked up by the system during a live telecast of Parliament referring to the Gov's speech as "a lot of crap".

Not the kind of language you would expect from an old seminarian. And while on the subject, before the system was introduced the leader of the government in the Legislative Assembly asked the ALP not to pull any stunts.

Somehow it became an agenda item for the ALP under the heading: Stunt for the day.

S-kim Beazley

WHILE he was acting prime minister in January, Kim Beazley had the full security treatment.

On one occasion when he sipped a cappuccino with a parliamentary mate in one of Perth's cafe strips at least three cops hovered close by, guns and all.

When it came up in conversation this week the mate was quick on the tongue.

"A fat lot of good having all that security



□ Kim Beazley

when they allowed a determined woman to get within 400 votes of him," he chortled.

Cabinet reshuffle

LAST Friday, after Little Johnny Howard picked his Cabinet the office of Senator Winston Crane closed at noon.

It had some wondering whether Winny was a bit miffed at not getting a guernsey . . . after all he was the Opposition spokesman in the Senate on industrial relations.

Then again, perhaps Winny was so delighted at the Coalition winning government that he decided to give staff a half holiday.

● Former WA journalist Piers Akerman is a senior commentator for Sydney's *The Daily Telegraph* newspaper.



Guest columnist

Piers Akerman

We're not part of Asia

FOR the past 20 years the words "racist" and "racism" have been flung about this country with vicious abandon, but that era is about to end.

Hopefully, it will mean that the emphasis in policy on Asia, Aborigines and multiculturalism will shift from the narrow bigotry and bias of political correctness to the wider fields of community concern.

Eminent historian Professor Geoffrey Blainey laid the groundwork for the new openness in a reasoned discussion at the Foreign Correspondents' Association in which he logically destroyed the arguments of the chattering classes, one by one.

His remarks about racism have been given the most publicity to date but he also discussed republicanism, the flag, the union movement, Asia, multiculturalism and defence.

A simple lunch with Professor Blainey inevitably turns into a feast of ideas.

The academic and author attracted hisses from one table when he said that some of the state-

Oxley, Pauline Hanson, were quite true.

But he admitted that affirmative action for Aborigines in the short term was necessary to help them:

"These people who say that racism or racial discrimination is abhorrent and it's their No.1 target would find themselves in a very difficult position if only they were capable of looking in the mirror.

"They're saying racial discrimination is abhorrent but we'd like to practice it for a while and if anyone attacks us they're racists, not us.

"Affirmative action has in it double standards and I think if you practise affirmative action as we do you have to practise it with humility, you have to be conscious of the rule that you say should not be broken is actually being broken at your request. What a double standard."

In a statement sure to outrage the basket weavers who in their own Dreamtime would have Aboriginal Australians live in some Arcadian utopia eating kangaroo and lizards, he said the future for Aborigines lay in the mainstream

original children as they were to all other children.

"Aboriginal health is the most important issue, and unemployment is the second.

"I'm in favor of massive efforts to redress those but both those weaknesses are linked to the desire to preserve Aboriginal culture.

"If you preserve old-style Aboriginal culture you are not going to make the assault on Aboriginal health as effective as it should be.

"My belief is ultimately their future lies with every other Australian, not as independent people trying to cling to their culture."

Professor Blainey doesn't oppose Asian immigration but doesn't believe it should come at the present pace accompanied by a slogan which says that the Asianisation of Australia is desirable.

"For the next 75 years Australia will remain a society based predominantly on European and primarily British culture, and that culture is very different to the Asian cultures that lie to the north.

"I don't see much sense in saying we're part of Asia - we're not part

north Africa than Australia was to Asia but "I don't hear Italians chanting that Italy is part of north Africa".

Professor Blainey also asked why, if Asia was so important to us, Australia had no policy for the tropical region of our country closest to Asia, which had been turned into a huge "quarantine zone with areas set aside for Aboriginal rites and dark green rites".

Republicans might have to wait 10 or 12 years before the country abandoned the current constitutional arrangements, he conceded, but there was still a big question about the type of republic Australia might become.

"The Australian public has got it firmly into its head that it will elect the president, and I would be very surprised if the politicians get that back," he said.

"There will have to be some sort of compromise system in which the president is elected, but even though his powers will be very carefully limited, he will have much more power than the Governor-General has at the moment."

Professor Blainey said the flag should not be seen as an "up-to-

He noted that the French flag, which he admired, still had a white stripe representing a monarchy which hadn't existed in the nation for more than 200 years, and similarly the US flag, another noble design, had stripes which were relics of the British flag which flew over the north American colonies in the 1770s.

"Even Mr Keating when he went to Indonesia and unwisely made derogatory remarks about the Australian flag, didn't realise that the Indonesian flag is just the Polish flag upside down," he said.

Noting that Australia probably had the world's highest living standards by 1890, he said the balance between providing social security and providing incentives slipped out of kilter in subsequent years.

He also warned against expecting too much, too soon from the new Government because governments "cannot go as fast as their supporters wish in their first term".

As for the union movement, it had extraordinary influence over the past 13 years and was, in fact, a part of the government. Labor's

Rindos case was suspect, say experts

By JOE POPRZECZNY

IF ACADEMICS were judged by the standards used by the University of WA to dump archaeologist Dr David Rindos at least half Australia's campus academics would not measure up, according to the president of Whistleblowers Australia.

Dr Brian Martin, a senior lecturer at the University of Wollongong, is an expert on how powerful bureaucracies combat dissenters.

He said UWA's treatment of Dr Rindos followed an easily recognised pattern.

"If one looks at contentious cases like Dr Rindos's denial of tenure, it falls into a typical pattern," Dr Martin said.

"Generally, someone who speaks out critically against a powerful group finds themselves immediately attacked.

"But the attack is never related to the issue raised by the dissenter.

"In almost all cases those taking action against a dissenter say the reason is poor performance or something else that is seen to be the dissenter's fault."

Dr Martin said one way to show an attack on a dissenter's poor performance was genuine was to see if action was taken against someone else with a similar performance who had not spoken out.

Dr Martin said the publication rate UWA said it expected of Dr Rindos was one that only a small percentage of academics would measure up to.

An internationally recognised former UWA academic said the standard of assessment used in Dr Rindos's case was suspect.

He said he would like to see a comparison made of the output of Dr Rindos's critic, controversial academic Professor Bowdler.

"It is not the number of articles that should be used to assess academics but rather the quality of their output," he said.

"Anyone can write lots of low-grade, doubtful articles.

"Many academics publish little or nothing after getting tenure. Is this to be seen as an argument to strip them of tenure?

"In an era of political correctness it's easier for those who fall in line with political correctness than those who do not to have articles published.

"Political correctness particularly applies in Aboriginal studies.

"Not coincidentally one of Dr Rindos's enemies criticised him on the grounds of political correctness in relation to Aborigines.



□ Head of Whistleblowers Australia, Dr Brian Martin.

"Another disturbing aspect of UWA's archaeology department is the high number of Ph D students who have dropped out. One can't help wondering why."

Another UWA academic, who joined the campus more than 10 years ago, said the Rindos issue had created an atmosphere of fear at UWA.

Academics were too scared to sign petitions, he said.

He said the fear was one reason for the emergence last year of a satirical newsletter called *Rumpus* which carried biting criticism of Professor Gale and her executive team of Professors Mike Barber and Alan Robson.

According to another former UWA academic, who studied overseas and worked at two Australian campuses, the assessment of Dr Rindos was "flakey".

"Assessment of colleagues outside one's area of expertise is always difficult," the academic said.

"But anyone who has had a book published and had it translated into another language, like Dr Rindos, and whose book is referred to in an *Encyclopaedia Britannica* article, as well as being acknowledged in a second *Britannica* article, seems to be off to a good start in any evaluation of their ability.

"If you add to this the praise Dr Rindos has received from immediate local colleagues then there's obviously more to his sacking than meets the eye."

Archaeology probe terms to be set

By ROSS STOREY

A WEST Australian parliamentary committee will meet today to finalise terms of reference for an inquiry into events surrounding the University of Western Australia's denial of tenure to archaeologist Dr David Rindos.

The inquiry, with powers equivalent to those of a royal commission, was announced last week by the State Parliament's powerful Legislative Council standing committee on government agencies.

The inquiry will be able to demand documents and subpoena witnesses, who give evidence under oath and under the protection of parliamentary privilege.

It will be the third examination of UWA's archaeology-Rindos affair, the other two being carried out by the West Australian Ombudsman and the UWA senate.

It is understood the Ombudsman plans to defer his ruling pending the outcome of the UWA examination and possibly the parliamentary inquiry. The six-member parliamentary standing committee comprises representatives from both sides of the political fence.

Dr Rindos said he was pleased that

the grievances of students involved in the affair would now be "properly aired".

"This is the only way the students are permitted to have an 'outside' voice," Dr Rindos said.

"The parliamentary inquiry is a way in which people can be heard without committing legal suicide."

A UWA spokesperson told the *HES* the university was concerned that the new inquiry appeared to duplicate the Ombudsman's separate investigation, with which it was fully co-operating. Committee chairman Mr Barry House, MLC, told the *HES* the committee was mindful of the complexity of the task and that proper terms of reference were vital to ensure the inquiry could do the job it set out to do.

"Our role is to try and make sure that due processes have been followed correctly and, if they haven't, to expose them and make recommendations," Mr House said.

"The ongoing public furore means the affair needs an independent and objective arbiter such as an independent parliamentary committee. Universities have to be accountable to somebody."

He said the inquiry decision came after an attack on UWA in Parliament by MLC Mr Mark Nevill and recent "extensive and contradictory coverage in the press". (The Rindos affair has become a cause celebre with Perth's two newspapers presenting different sides of the story.)

Mr Nevill told the Parliament in December conditions in UWA's archaeology department had "constituted a scandal without precedent in the history of higher education in Australia, and one which was to be covered up rather than corrected".

He maintained that female archaeology students had been sexually harassed by UWA Professor Sandra Bowdler, formerly head of archaeology.

Dr Rindos, who officially complained on behalf of students, was subsequently denied tenure.

The university said Mr Nevill's attack was scurrilous and one-sided, and it was happy for any further investigation.

It has consistently rejected any cover up or link between the denial of tenure and the 1990-91 problems in the department.

Australian, 27 March 1996, p. 21

Parliament to probe Rindos case

By MAUREEN de la HARPE

A POWERFUL standing committee of the WA Government is to open an inquiry into the events surrounding the denial of tenure to former University of Western Australia archaeology lecturer Dr David Rindos.

A statement released by the Legislative Council's Standing Committee on Government Agencies said the decision was made on the basis of documents tabled in State

Parliament by Mark Neville MLC last year, and "recent extensive and contradictory news coverage". The documents contained allegations of misconduct against Professor Sandra Bowdler, former head of the Department of Archaeology.

Committee chairman Barry House MLC sees no difficulties arising from the fact that the university recently announced its own Senate inquiry into the Rindos affair. "We are seen as an independent body," he

said. "This committee is very powerful - it is virtually a Royal Commission, as we can call witnesses who will give evidence on oath."

He says the committee will not be looking into the specifics of the case: "We will be focussing on the processes that were followed or not followed." The terms of reference will be established at the next meeting of the committee.

The State Ombudsman is also investigating the Rindos case.

Rindos inquiry to open for evidence

By ROSS STOREY

THE West Australian parliamentary inquiry into the five-year-old Rindos archaeology affair at the University of Western Australia begins taking evidence today after last week confirming broader-than-expected terms of reference.

The inquiry — with powers equivalent to a royal commission — will investigate whether the procedures adopted by UWA to “review and determine the tenure of Dr Rindos and his subsequent appeals, were deficient and amounted to a breach of the common law rules of fairness”.

The inquiry will “determine what, if any, remedies might be available to Dr Rindos” or make any appropriate recommendations “for the swift and equitable resolution of the dispute between Dr Rindos and the university”.

A key goal is to “make recommendations arising out of the events surrounding the denial of tenure to Dr Rindos concerning the need to maintain the integrity, professionalism and international standing of State universities generally, thereby reinforcing the public confidence in the State tertiary education system”.

Committee chairman Barry House MLC said the inquiry would examine the internal management procedures of the university and the associated decision-making processes relating to the case.

Its brief included the functions of the senate as the UWA’s “governing authority”, the office of the vice-chancellor in the internal administration

and the role of divisional and departmental heads in the tenure-denial decision.

The functions of UWA’s filing and record-keeping systems would also be examined “to the extent to which the university has installed proper mechanisms to prevent unauthorised interference”.

UWA deputy vice-chancellor Alan Robson said it was unfortunate that the inquiry would begin before the conclusion of the investigation by the parliamentary commissioner for administrative investigations (the State Ombudsman).

The HES understands the Ombudsman will await the findings of the parliamentary committee before handing down his decision on the affair. The parliamentary inquiry will also run parallel with an internal investigation by the UWA senate.

In a written statement, Professor Robson said the university has always maintained and continues to maintain that Dr Rindos had been fairly treated and in accordance with established procedures.

“Dr Rindos has not yet appealed to the University Visitor, which is the recognised channel of appeal in matters such as this,” the statement said.

“The university continues to enjoy an enviable reputation both nationally and internationally, when judged on all the available objective data.”

Dr Rindos, expected to be one of the first witnesses before the inquiry, predictably welcomed its intended breadth.

As many as 10 former UWA archaeology students could appear before the committee.

ON

ED BY JANE RICHARDSON

Rindos's tenure 'not the first to be refused'

By ROSS STOREY

UNIVERSITY of Western Australia vice-chancellor Professor Fay Gale and archaeologist Dr David Rindos will be summonsed to give evidence at the April 22 sitting of the West Australian parliamentary inquiry into the university's Rindos archaeology affair.

The inquiry first met last Wednesday to hear from State Ombudsman Robert Eadie, who proposed to discontinue his inquiry into the affair in favour of the parliamentary investigation.

The initial sitting also received a report detailing UWA's response to claims by Dr Rindos that he had been denied tenure because he pursued complaints by female students of sexual impropriety and favouritism by former archaeology department head Dr Sandra Bowdler.

Professor Gale told the HES it was incorrect to suggest, as had an article in *The Australian* yesterday, that Dr Rindos was the first academic at the university to be refused tenure.

"Since 1989, 23 tenure-tracked academics have resigned just before the end of their probationary period," Professor Gale said.

"Some of those have resigned to take on better jobs, but some of them have actually resigned because of assessments of unsatisfactory performance, knowing that they were likely to be denied tenure.

"There are two currently who have had their probationary period extended, like his [Dr Rindos's] was, to try to see if they can improve their situation."

The parliamentary inquiry will advertise nationally this weekend, calling for interested people to come forward with submissions by May 6.

Mr Barry House, MLC, chair of the committee conducting the inquiry, said no case in recent memory had brought the affairs of academe so sharply under parliamentary attention.

Terms of reference for Rindos probe

By MAUREEN DE LA HARPE

MANAGEMENT procedures and record-keeping systems at the University of Western Australia, along with the function of the Senate as governing body, will be under scrutiny during a parliamentary inquiry beginning this week into circumstances surrounding the denial of tenure to former lecturer Dr David Rindos.

The terms of reference of the Standing Committee on Government Agencies fall under two headings: events surrounding the denial of tenure, and management

procedures and decision-making processes.

The committee will assess whether procedures for reviewing and determining Rindos' tenure and subsequent appeals were deficient, or breached common law rules of fairness.

It will also assess what, if any, remedies are available to Rindos, and make recommendations for resolving the dispute and maintaining the integrity, professionalism and international standing of state universities in general. In probing management and decision-making procedures, the com-

mittee will look at the function of the Senate, the role of the vice-chancellor's office and divisional and departmental heads, and the filing and record-keeping systems operated by the university (with a view to safeguarding against unauthorised interference).

Committee chairman Barry House MLC said that before hearing witnesses the committee would contact the State Ombudsman, who is also investigating the case, to gauge the possibility of working together on various aspects.

"We will also be taking proof of evi-

dence from Dr Rindos, and will subpoena certain documents," he said.

House hopes to complete the investigation within two months, but acknowledges it may take longer.

Committee meetings will be held in public, although the committee will consider applications from witnesses for private hearings – in which case details of evidence will not be released without the committee's consent.

UWA deputy vice-chancellor Professor Alan Robson said that while the university accepted the need for account-

ability to State Parliament, it was unfortunate the probe was starting before the conclusion of the Ombudsman inquiry.

He said there had been no communication from the standing committee on its decision or the terms of reference, and reiterated that Rindos was fairly treated in accordance with established procedures.

Rindos has welcomed the committee's terms of reference.

"They are much broader than I expected, and I am glad the matter has been taken out of my hands," he said.

Campus Review,
11-17 April
1996, p2

Rindos angry over report

By MAUREEN DE LA HARPE

FORMER University of Western Australia lecturer Dr David Rindos is outraged at the release of a UWA report quoted in the national press this week.

According to the report, vice-chancellor Professor Fay Gale offered Rindos the equivalent of two years' salary in exchange for his resignation, but denied the offer was a form of blackmail. Rindos refused the pay-out.

The university denied having released the report, which was initially prepared at the request of the state ombudsman, and has now been handed to the parliamentary committee investigating the circumstances surrounding Rindos' denial of tenure in 1993. The university did, however, inform the committee last week that it would welcome the release of the report.

Rindos is angry because he claims the documents include a privileged confidential communication between himself and the ombudsman.

Rindos has alleged that his dismissal was a direct result of his role as a whistle-blower on problems in archaeology.

Uni intimidation probe a threat to freedom: VC

By COLLEEN EGAN

ONE of Australia's most senior academics, Professor Fay Gale, yesterday claimed that a West Australian parliamentary committee was threatening academic freedom and setting "a dangerous precedent" by inquiring into a university scandal.

Professor Gale, the new president of the Australian Vice-Chancellors Committee and vice-chancellor of the University of Western Australia, told the committee yesterday she believed a "political agenda" was behind the inquiry.

Professor Gale launched the extraordinary attack during her evidence to the committee, which is inquiring into claims

by archaeologist Dr David Rindos that he was denied tenure at UWA in 1993 as part of a cover-up of student intimidation by another academic.

Dr Rindos has claimed that Professor Gale wrongly sacked him after he accused the former head of the UWA archaeology department, Professor Sandra Bowdler, of intimidating and harassing female students.

Professor Gale said yesterday that Dr Rindos's case should be investigated through normal channels instead of by the committee, which set itself wide terms of reference.

"The possibility is that the political correctness of the views expressed by staff members can be made the subject of investigation," she said.

"It would be totally unacceptable if this inquiry came out to be a threat to academic freedom."

"This inquiry raises the issue of the academic freedom of all West Australian universities."

Professor Gale believed there was a "political reason" for the inquiry, which was sparked by a senior State Opposition MP, Mr Mark Nevill, who took up Dr Rindos's case.

Professor Gale claimed yesterday that Mr Nevill made a "bizarre threat" last June that he would "expose her" in Parliament unless UWA funded a position for Dr Rindos at another university.

"It does seem to me that there is a political reason for (the inquiry) for which my university is going to be paying quite

heavily," she said. "This is an internal industrial dispute. For this parliamentary committee to inquire into it ... does establish what we see as a very dangerous precedent, not only for UWA but for all universities in Western Australia."

"I am wondering why you are choosing this particular case."

Dr Rindos, who also gave evidence yesterday, said he welcomed the inquiry as a chance to clear his name and become "employable again".

Dr Rindos claimed that his academic record was never questioned until he supported students' allegations against Professor Bowdler.

"I think they were trying to shoot the messenger — get rid of a problem by getting rid of the people who complained," he said.

"I was confronted with post-graduate students in tears from having been publicly attacked by the head professor."

"One student who was previously sexually involved with Professor Bowdler ... a tremendously talented person, weeping inconsolably."

"It was frightening, truly frightening to witness."

Dr Rindos said that after he had taken up students' complaints, "it exploded in a way that I couldn't understand".

"Terrible things were said about me and said in such a way that I was not even allowed to defend myself," he said.

"I had expected that the university would respond properly once they knew what had happened."

THE RINDOS AFFAIR



Professor Sandra Bowdler, former head of UWA archaeology department

Accused of harassing and intimidating female students. Denies any wrongdoing.



Dr David Rindos, archaeologist

Claims he was denied tenure because of acrimonious relationship with Bowdler. Supported allegations against her by his students.



Professor Fay Gale, vice-chancellor of UWA

Says she denied Rindos tenure in 'interests of the university as a whole'. Rindos claims she was covering up allegations against Bowdler.



Students

Some archaeology department students claim Bowdler intimidated them and flaunted her female lovers. Others made claims about Rindos which he denies.

Union backs AVCC's Rindos stand

THE West Australian branch of the National Tertiary Education Union has supported criticism by the Australian Vice-Chancellors Committee of the State parliamentary inquiry into the Rindos affair as a threat to university autonomy.

However, the student guild at the University of Western Australia has described the AVCC as "naive" in its criticism of government involvement in the affair.

State NTEU president Sandra Penrose, who is also president of the UWA's branch, supported the AVCC's stand, expressed after last week's AVCC board meeting and again by AVCC

president and UWA vice-chancellor Professor Fay Gale before the committee of inquiry on Monday.

"I do believe this parliamentary inquiry is an interference in the autonomy of the universities and considering that the States don't even bother to put up any money for the university, I think it is a liberty as well," she said.

Dr Penrose said the traditional autonomy of universities would be irreparably damaged if they were to be perceived as an agency of the State.

However, UWA Student Guild president Mr Simon Freitag,

who sits on the UWA senate, told the *HES* that government involvement was almost inevitable, given the mounting public pressure and media interest in the affair, which has seen Dr Rindos denied tenure.

Mr Freitag said the guild and the Postgraduate Students Association were also concerned about the official UWA position that there had been no formal complaints associated with the Rindos-archaeology affair.

"It's our concern that a lot of informal commentary may well have been made and those things need to be chased down," he said.

ON

EDITED BY JANE RICHARDSON

VCs outraged by Rindos inquiry

By JANE RICHARDSON

A SPECIALLY convened session of the Australian Vice-Chancellors Committee board yesterday expressed outrage at what it sees as interference by the West Australian Government in university autonomy.

The vice-chancellors are angry at a West Australian parliamentary inquiry into the University of Western Australia's Rindos affair.

The affair, with its allegations of misconduct by a professor of archaeology, has kept the university pinned in an unwelcome public spotlight for five years.

Denial of tenure to archaeologist Dr David Rindos came after he blew the whistle on student complaints against Professor Sandra Bowdler. However, the university has consistently denied any link between the two events.

AVCC vice-president Professor Geoff Wilson said yesterday the nub of the inquiry, by the standing committee on government agencies of the West Australian Legislative Council, was the denial of tenure to Dr Rindos.

The vice-chancellors were unhappy with the inquiry and its terms of reference, and would put the matter up for discussion at a full meeting of the AVCC next month.

"It's remarkable that at a time when the nation is attempting to achieve cost-effectiveness and efficiency in administration that a government committee would interfere with the due processes of staff employment at a university," Professor Wilson said.

"Academics are quite often refused tenure."

He said he had chaired the special session on the Rindos inquiry after being approached by other vice-chancellors during the AVCC's board meeting in Canberra yesterday. AVCC president Professor Fay Gale, who is vice-chancellor of UWA, had not instigated the special session, he said.

The group had emphasised that the determination of staff employment was the responsibility of each university as an autonomous entity, Professor Wilson said.

UWA was not a government body.

He said the vice-chancellors believed there were other mechanisms of external inquiry, such as the university Visitor, or the ombudsman, who had put his own inquiry on hold while awaiting the parliamentary one.

The parliamentary inquiry, which began taking evidence on April 3, is intended to "make recommendations arising out of the events surrounding the denial of tenure to Dr Rindos concerning the need to maintain the integrity, professionalism, and international standing of State universities generally, thereby reinforcing the public confidence in the State tertiary education system."

Rindos affair dangerous

By MAUREEN DE LA HARPE

THIS week's parliamentary inquiry into the Rindos affair was setting a dangerous precedent which could impact on Western Australian universities, according to UWA vice-chancellor and AVCC president, Professor Fay Gale.

Speaking before a Legislative Council standing committee inquiring into the circumstances surrounding the denial of tenure to former lecturer Dr David Rindos, Gale said that while the university would cooperate fully, it was doing so under protest.

UWA had its own provisions for resolving internal industrial disputes, she argued, and the precedent implied that parliament had the right to intrude in matters which were the responsibility of the Senate.

She questioned the committee's terms of reference and procedures, arguing that university autonomy and academic freedom were at stake, and it was important the university be accorded the same levels of common law fairness as Rindos.

She criticised the procedures for not allowing legal representation, cross-examination, or access to relevant material.

Questioned on procedures followed by UWA, she said while all the proper proce-

dures had been followed, they had since been changed. In denying tenure, she had acted on the recommendations of the Tenure Review Committee, the Senate, university officers and legal advisers.

Claiming Rindos was dismissed for poor performance, she cited only two publications produced by him, but Rindos later denied her allegations, and argued that shortly after his dismissal, an academic had been (rightly) granted tenure on an output of two book reviews and a short encyclopaedia entry. He said that, in addition to three papers, two of which were 'thrown away', a Spanish translation of his book was sufficient grounds for the granting of tenure.

He denied that the correct procedures had been followed by the university, and believes he was denied tenure because he had aired problems in the archaeology department. These included students denied access to facilities, given inadequate working space, and exposed to public ridicule.

As head of department, he had reported the incidents which, he claimed, ranged "from the trivial to the profound". He said the victimisation was continuing.

Parliament subpoenas UWA over Rindos affair

By ROSS STOREY

RELATIONS between the University of Western Australia administration and the State parliamentary committee examining the Rindos affair became more strained last week after the committee served a subpoena demanding documents from the university.

The West Australian Parliament's Usher of the Black Rod served the subpoena on the university, demanding a listing of mail received by the UWA vice-chancellor since mid-1988.

The officer refused to leave the university until the records were made available, and was given six computer discs and several ledgers containing hand-written entries.

A witness to the inquiry reportedly "tipped-off" the committee about certain information that would be of assistance in helping members sort the vast bulk of evidence already gathered, leading to the Usher's action.

The HES understands the committee also issued a second subpoena against a witness involved in the inquiry, but committee chairman Mr Barry House MLC refused to identify the target.

The inquiry, looking into circumstances surrounding the refusal of tenure to Dr David Rindos, has received 57 submissions in response to newspaper advertisements.

Documents obtained by the sub-

poena on the UWA were discussed by the inquiry during a closed session last Thursday. A written statement from the university vice-chancellor's office subsequently maintains that "the records, which were provided readily after the subpoena was served, were not specific to Dr Rindos".

The statement refers to the "lack of courtesy" by the committee and expressed umbrage at "offensive" statements made by Mr House.

"The scatter-gun demand for information which was received reinforces the university's previously stated fear that the committee has the potential to interfere unreasonably in the university's operations beyond the specific issue of whether or not a senior lecturer was treated fairly in his tenure review process," the statement says.

"Such an unwarranted attack on the integrity and autonomy of the university, by a committee which is not acting under the direction of the Government of the day, is an action which is likely to attract the attention and criticism of other universities and their supporters throughout Australia.

"The university has nothing to hide in the documentation concerning the Rindos case and reiterates its undertaking to co-

operate fully with the parliamentary inquiry. In return it hopes that in future it will be treated by the committee with some respect, and not on the basis of assumed guilt."

UWA deputy vice-chancellor Professor Alan Robson told the HES the documents requested — the register of incoming mail — were hardly sensitive.

"We really just want to get these matters resolved," Professor Robson said. "Our position remains that Dr Rindos should go to the university visitor. What is the Parliament doing wasting public money inquiring into something where due process has not been followed?"

However, Mr House rejected UWA claims that the action breached an undertaking given to the university and said the documents gathered by the Usher were "very pertinent to our inquiry".

"They had given an indication that they would co-operate and we accepted that, but there was a circumstance where we deemed that it was better to actually secure the documents by subpoena; it's as simple as that," Mr House said. "It's a normal parliamentary process and the university seems to be peculiarly sensitive about the whole thing."

The UWA has started legal action against administrators of an Internet Web site concerning the Rindos affair.

Australian, 15 May 1996, p. 24

Parliamentary inquiry reopens Rindos-UWA case

By ROSS STOREY

Australian, 29 May 1996, p 35

SIX people involved in the University of Western Australia review that led to the rejection of tenure for archaeologist Dr David Rindos will give public evidence on Friday to the West Australian parliamentary inquiry into the affair.

Those listed to give evidence this week include UWA deputy vice-chancellor Professor Alan Robson, who was on the tenure review committee and has been a strong defender of the univer-

sity's decision. Dr Mike Partis, now the director of the Secondary Education Authority, will also give evidence based on his experience as the former head of UWA's science and agriculture division, which included the former troubled archaeology department.

The hearing will give Professor Robson and Dr Partis their first opportunity to reply, under parliamentary privilege, to claims made about their role

in the affair during a controversial parliamentary speech by Labor MLC Mark Nevill in December last year.

Others scheduled to appear include UWA anthropology department head Dr John Gordon and former tenure review committee members Ms Brenda Robbins, Professor Alice Cohen and Professor John Jory.

Mr Barry House, MLC, chair of the Legislative Council's standing com-

mittee on government agencies, which is conducting the inquiry, said he wanted to initially concentrate on the first term of reference — to examine the events surrounding the denial of tenure to Dr Rindos by UWA.

He will also investigate whether procedures to review the tenure and subsequent appeals were "deficient and amounted to a breach of the common law rules of fairness".

Rindos: poor research output

By MAUREEN DE LA HARPE

DR David Rindos was denied tenure at the University of WA in 1993 on the basis of poor research output according to members of the original tenure review committee set up to consider his case.

Six academics gave evidence last week at a public hearing of the WA state government committee inquiring into the affair.

Members of the tenure review committee said that although they considered Rindos' record in teaching and community service, their recommendation to deny tenure to the former lecturer in archaeology was based mainly on evidence of poor research output.

The main thrust of their argument was that only research done during Rindos' three years of probation was

considered, as work which had not been accepted for publication was not relevant. According to Senate member, Professor Alex Cohen, book reviews were not a research activity. Under these criteria, Rindos had produced only two publications, compared with an average of 15 from academics of similar senior standing.

Committee members claimed that in reaching their decision they took into account information provided by Rindos and two external referees (one nominated by Rindos, the other by Dr Mike Partis, the then head of division). Senate member Ms Brenda Robbins said that although Rindos' conflict with Professor Sandra Bowdler, former head of the now defunct archaeology department had been raised, it was only discussed in so far as it might have affected his output.

The decision not to grant tenure was made after two meetings. After the first, concerns about Rindos' output prompted the chairman to ask him for more information.

Committee chairman Barry House asked UWA deputy vice-chancellor Professor Alan Robson and Professor John Jory whether their previous involvement in the problems which led to the dismantling of the archaeology department constituted a conflict of interest which should have precluded them from sitting on the review committee. Both denied any conflict of interest.

Partis said that when he was sent in as a troubleshooter, he found "deep professional divisions". He did all he could to reunite Rindos with the department — "but he was not prepared to work with archaeology".

Campus Review, 5-11 June 1996, p. 5

Missing Rindos files found in FIO office

By ROSS STOREY

TWO missing personnel files relating to former University of Western Australia archaeologist Dr David Rindos, which the university had hired a private detective to find, have turned up — in the West Australian Freedom of Information Commissioner's office.

Dr Rindos is at the centre of a State parliamentary inquiry into the UWA's procedures and other circumstances surrounding his failure to win tenure. He believes the files, missing for a year, are vital evidence that he needs to present his case for wrongful refusal of tenure before the university visitor, West Australian Governor Major-General Philip Jeffery.

The UWA hired a private investigator to find the files, but they were discovered last week by FOI Commission staff gathering dust in a corner of the commission's Perth offices.

UWA officials said FOI Commissioner Bronwyn Keighley-Gerardy informed them in January that the files were not at the commission.

The official reason for UWA's refusal of tenure to Dr Rindos was that his performance and research output were inadequate. Dr Rindos believes the files may prove there is no record of any such concerns being communicated to him. He discovered the files were missing when he applied to UWA, under the Freedom of Information Act, to view them.

UWA's deputy vice-chancellor, Professor Alan Robson, said the university was surprised and pleased that the files had been located, but did not believe they were particularly significant.

"Dr Rindos has seen them on three or four occasions previously and we had supplied him with copies of everything he wanted from them," Professor Robson said. "Dr Rindos has been saying that one of the impediments to him going to the [university] visitor was that he could not get access to his personal files. Well, now he can get access and I believe it strengthens our view that the appropriate forum for his complaint is the visitor."

The parliamentary inquiry is to meet again tomorrow in closed session.

Rindos case continues

By MAUREEN de la HARPE

THE parliamentary committee investigating the denial of tenure to former University of WA lecturer Dr David Rindos last week subpoenaed records of correspondence to vice-chancellor Fay Gale dating from December 1988 to the present.

Committee chairman Barry House said there was nothing unusual in the subpoena process and it was no threat to civil liberties, as has been argued. "It is a normal parliamentary process," he said.

The vice-chancellor's office, while handing over the records, issued a statement objecting to the subpoena being served without advance notice, and pointing out that only a small volume of correspondence during the period related to the Rindos case.

The statement questioned the direction taken by the committee: "The scatter-gun demand for information... reinforces its (UWA's) previously stated fear that the committee has the potential to interfere unreasonably in the university's operations beyond the specific issue of whether or not a senior lecturer was treated fairly in his tenure review process. Such an unwarranted attack on the integrity and autonomy of the university by a committee which is not acting under the direction of the government of the day is an action which is likely to attract the attention and criticism of other universities and their supporters throughout Australia."

The vice-chancellor's office confirmed that a letter has been sent to an Internet web site administrator at the University of Buffalo in New York state, warning that material on a web page about the Rindos case could be considered defamatory.

Similar letters have gone to Dr Brian Martin, a University of Wollongong academic who publicised the existence of the site, and to the Australian Broadcasting Corporation.

Campus Review, May 15-21, 1996

p. 3

Australian, 22 May 1996, p 29

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Academics defend Rindos denial

By ROSS STOREY

TWO senior Western Australian academics have rejected as "unwarranted and unfair" claims that a decision had been made to get rid of former University of Western Australia archaeologist Dr David Rindos before a tenure review committee began sitting.

The deputy vice-chancellor of the University of Western Australia, Professor Alan Robson, and former UWA academic Dr Mike Partis, now director of the West Australian Secondary Education Authority, gave evidence last week before the parliamentary committee inquiring into the Rindos affair.

The committee is looking into events surrounding the denial of tenure to Dr Rindos.

Professor Robson and Dr Partis strongly rejected claims made in the State Parliament by Labor MLC Mark Nevill last December about the university's treatment of Dr Rindos. Mr Nevill had said that Dr Rindos was victimised because he chose to "blow the whistle" on inappropriate treatment of students in the archaeology department.

Dr Partis acknowledged that he was a friend of archaeologist Professor Sandra Bowdler, the other UWA academic at the centre of the five-year-long controversy, who was formerly head of the archaeology department. The department was dissolved after internal problems in 1990-91 and conflict between Professor Bowdler and Dr Rindos over claims of favouritism of students and unorthodox relationships between Professor Bowdler and students.

Dr Partis told the inquiry, which has

powers equivalent to a royal commission, that his friendship with Professor Bowdler had not interfered with his judgment of Dr Rindos, nor had it stopped him taking action to remove Professor Bowdler as head of the department.

He said the UWA archaeology department dispute involved acrimony between all the other members of staff and Dr Rindos, not just between Dr Rindos and Professor Bowdler.

Professor Robson said it was an attack on his integrity to say that he had invented academic reasons for denying Dr Rindos tenure.

Professor Robson told the inquiry the denial of tenure for Dr Rindos was based entirely on his inadequate research output at UWA. He said study of the research output of tenured academics at UWA, of

similar seniority to Dr Rindos, had shown the tenured academics had produced an average of 15 publications in three years, compared with just two from Dr Rindos.

A spokesperson for the West Australian Legislative Council Committee on Government Agencies Inquiry said the committee members were likely to meet in private session in three weeks to discuss their next move. No further public hearings will be held for about a month.

Committee chair Mr Barry House, MLC, has previously indicated that the inquiry hoped to make its report by August this year, although this deadline was flexible.

None of the students involved in the controversy has yet given evidence and the inquiry has allowed for witnesses to be interviewed privately, but no in camera evidence has yet been taken.

Journalism prize for Rindos report

AN article on the David Rindos case against the University of Western Australia was among the beneficiaries of the inaugural "excellence in education journalism awards" announced at the annual conference of the Australian Council of Deans of Education in Canberra.

The awards, administered by the council with financial assistance from the Department of Employment, Education, Training and Youth Affairs, were judged by a panel representing the ACDE (Professor Owen Watts), education professionals (Janet Giles, president of the South Australian branch of the Australian Education Union) and journalists (Dana Wortley, assistant secretary of the South Australian branch of the Media, Entertainment and Arts Alliance).

Michael Day's article in *The West Australian* of March 9, 1996, headlined "Academic Warned after Sex Inquiry", won the best print media news report category. The best print media feature article was Carolyn Jones's "The Age of Learning" in *The Australian* on July 18, 1996.

The best television news or current affairs report was Belinda Hawkins's "TAFE Future" on SBS in July. The best TV feature or documentary was Ross Coulthart's "Accelerative Learning" on Channel Nine *Sunday* show in September 1995.

Penny Figgis won best radio entry with a story on "Mathematics and Numeracy" on ABC radio. The best entry by a person under 26 was Naomi Mapstone's "Heralding Evidence of Education Crisis" in *The Canberra Times* of January 1996.

Two further press entries, by Fran Cusworth in *The Age* and Luis M. Garcia in the *Sydney Morning Herald* were highly recommended.

Campus Review
2-8 October 1996
p. 5

VC fronts at Rindos hearing

THE decision to deny tenure to Dr David Rindos, former University of Western Australia lecturer, was made "with great agony" and only after exploring alternatives, vice-chancellor Professor Fay Gale has said.

Giving evidence at a public hearing of the WA State Government inquiry on Monday, Gale said the alternatives included approaches to various departments, among them the department of anatomy and human biology. The then head of the department, Professor John McGeachie, said he declined to offer Rindos a place on the grounds of lack of space and funding, and the fact that his field of study was inappropriate. Conceding that the department subsequently appointed five staff members, McGeachie said some were replacements, and others already in the pipeline. Asked why an academic with expertise in Rindos' area (evolutionary biology) had recently been appointed, McGeachie said departmental needs changed and the problem of space had been resolved by relocation.

In response to a question from committee chairman, Barry House, Gale said that if a place had been found for Rindos, she would have considered the matter of tenure.

Campus Review, 10-16 July 1996, p. 3

Rindos probe evidence in secrecy row

By MAUREEN DE LA HARPE

SHOULD the WA government committee probing the 1993 denial of tenure to former University of WA lecturer David Rindos be entitled to hear evidence in camera?

Only in exceptional circumstances, according to the university, which is to seek legal advice on whether to complain to the Bar of Parliament about recent confidential hearings.

The decision was made at an in-camera meeting of the UWA Senate committee, but deputy vice-chancellor Professor Alan Robson was quick to point out that "a Senate committee meeting in camera discusses university matters, whereas parliamentary committee hearings should be in the public arena".

When the standing committee on government agencies was formed this year to inquire into the Rindos affair, chairman Barry House MLC said the committee would consider applications for private hearings - in which case evidence would not be released without the committee's consent.

But Robson said the university had been assured this would happen only in exceptional circumstances. The university had not been informed of any such circumstances. "We have written to the committee asking for an explanation," he said.

Robson argued that evidence given in secret could be used as a basis for questions to other witnesses. Committee member Kim Chance MLC said that it was not the rule to take evidence in private, but it was normal if circumstances warranted it.

Campus Review,
7-13 August 1996
p. 4

Rindos case letter raises questions

QUESTIONS about the nature of material presented to a tenure review committee were raised when the WA State Government committee inquiring into the denial of tenure to former University of Western Australia lecturer, Dr David Rindos, resumed its public hearings last week.

The committee questioned UWA head of human resources, Sally Zanetic, about a letter from Dr Mike Partis, the then head of division. It referred to internal staffing problems in the now defunct archaeology department and not to Rindos's academic performance.

Chairman of the investigating committee, Barry House, said he had received evidence that suggested the tenure review committee had attached "heavy weight" to the letter, despite the fact that its brief was

to consider only matters relating to research, teaching and community service.

Zanetic said that although she had concerns about the document, it was discussed only briefly by the review committee. She was satisfied that the information it contained was not material to the final recommendations of the committee.

Asked why the letter had been included among the documents reviewed, she replied that it was part of Partis's reasons for recommending denial of tenure.

In a strongly-worded statement at the start of the hearing, Zanetic said most people had missed the point regarding the denial of tenure to Rindos. He had not been sacked, he had been on probation. In the case of tenurable academics, the onus was on the employee to prove his competence.

— MAUREEN DE LA HARPE

Campus Review, 24-30 July 1996, p. 4

Rindos inquiry will miss report deadline

THE West Australian parliamentary inquiry into the University of Western Australia's Rindos affair will not meet its own deadline to report by the end of the year.

Inquiry chair Mr Barry House MLC told the HES the Legislative Council's Standing Committee on Government Agencies would pass on more than 60 written submissions, evidence from 17 witnesses and 27 volumes of documentation to a reconstituted committee, likely to resume work in March or April.

The inquiry, with powers equivalent to a royal commission, is investigating whether UWA procedures to "review and determine the tenure of Dr David Rindos, and his subsequent appeals, were deficient and amount to a breach of the common law rules of fairness". The terms of

reference included making appropriate recommendations "for the swift and equitable resolution of the dispute between Dr Rindos and the university".

Mr House said the need to interview more key witnesses and delays in legal advice had left the inquiry unable to complete its task.

"The job was, frankly, bigger than we thought, and got bigger by the day, and we didn't manage to put it all together in time to report to this Parliament.

"The public administration of universities is a major issue and it was something that of course parliamentarians, who wear hundreds of different hats, unfortunately just haven't had the time nor the resources to pull together this year."

UWA deputy vice-chancellor Professor Alan Robson said the university adminis-

tration was disappointed with the delay, but did not believe that "events of more than five years ago have significant ramifications on this university or other Australian universities".

"Our position is that there was no need for Parliament to get involved in this inquiry and that it is a waste of taxpayers' money," Professor Robson said.

"It is in fact an industrial relations dispute and the matter had been handled properly by the university."

Dr Rindos is unperturbed by the delay. "Given the extreme importance of the issues raised and the central place of tertiary education in the State, I think it is important that the Parliament takes as long as it needs so it can look at all the questions in sufficient depth," he said. "I am certain that I will be vindicated."

— ROSS STOREY

Australian, 20 November 1996, p 38

Rindos dies before verdict

Australian, 11 December 1996, p. 25

By KATE LEGGE

UNITED States academic Dr David Rindos has died without an independent verdict on whether the University of Western Australia denied him tenure unfairly and failed to properly investigate allegations of misconduct against a female professor.

The West Australian parliamentary committee examining events surrounding the university's dismissal of Dr Rindos was scheduled to finalise its report in the new year, but the State election and a new Parliament makes the inquiry's future uncertain.

A separate inquiry by the West Australian Ombudsman has been on hold pending the committee's report.

The delay was a blow to Dr Rindos, who devoted his considerable energies to getting an outside assessment of this extraordinary affair, which left him unemployed and driven by a sense of injustice for the past three years.

An autopsy is being held. His partner, Mr David Goddard, said that Dr Rindos, 49, was in good spirits on the eve of his death, which occurred while he slept in the early hours of Monday morning.

UWA vice-chancellor Professor Fay Gale has insisted Dr Rindos was denied tenure in 1993 because of low productivity and that her decision had nothing to do with Dr Rindos's protest over alleged iniquities in the university's archaeology department, then headed by Professor Sandra Bowdler.

But in a letter to Dr Rindos in June 1993, Professor Gale acknowledged that her decision was based on matters additional to a tenure review committee's finding on academic grounds and these matters related to his difficulties with Professor Bowdler and the future scope of the



Sacked ... David Rindos

archaeology program. A spokesman for Professor Gale said yesterday that the university extended sympathies to those close to Dr Rindos.

Those responsible for defending the university's conduct before the committee are keen for the new Parliament to abandon the inquiry so that this long-running saga, which has hurt UWA's reputation, can be forgotten.

Dr Rindos, who graduated as a mature-age student from the prestigious Cornell University in the US and attracted world attention with his book *The Origins of Agriculture*, had been described as "brilliant" by Professor Bowdler when she supported his recruitment to archaeology in 1989.

Six months after taking up his post as senior lecturer, with an expectation of permanent tenure, Dr Rindos became acting head of the department while Professor Bowdler was on leave and the experience made him critical of administrative practices and concerned about student complaints of inequitable treatment.

Continued — Page 33

David Rindos saga drags on

THE West Australian government inquiry into the circumstances surrounding the denial of tenure to University of WA lecturer Dr David Rindos in 1993 will not be presenting its findings until next year.

In an interim report, the standing committee on government agencies said that despite having taken substantial written and oral evidence, it still had major submissions to receive.

The committee has received more than 60 written submissions, oral evidence from 17 witnesses (some appearing more than once), and amassed 27 volumes of documentation.

"Given the substantial amount of evidence and submissions ... the Committee is concerned to ensure that adequate protection is afforded to the University and to Dr David Rindos, and that the questions of natural justice and common law rules of fairness are not answered arbitrarily or in haste," the report stated.

— MAUREEN DE LA HARPE

*Campus Review,
13-19 November
1996, p. 5*

Rindos inquiry continues

THE West Australian parliamentary inquiry into the denial of tenure to Dr David Rindos will proceed despite the death last week of the former University of Western Australia archaeologist.

Dr Rindos died in his sleep and supporters have blamed the stress of his five-year fight against UWA.

Chair of the parliamentary standing committee on government agencies, Mr Barry House, said the inquiry was begun not because of the individual dispute but because "some aspects of public administration had been highlighted to us and we wanted to get to the bottom of it. That remains the committee's objective."

The committee's terms of reference include investigating whether the procedures adopted by UWA to review and determine Dr Rindos's tenure, and his subsequent appeals, were deficient. UWA has maintained Dr Rindos was fairly treated in accordance with established procedures.

The committee has also been asked to make recommendations arising out of the Rindos affair concerning the "need to maintain the integrity, professionalism and international standing of State universities generally, thereby reinforcing public confidence in the State tertiary education system".

The inquiry, which has powers equivalent to a royal commission, was due to report by the end of this year.

— ROSS STOREY

Australian, 18 December 1996, p. 25

Sacked Rindos dies before verdict

From Page 25

One complaint was lodged by a PhD student who had been involved as an undergraduate with Professor Bowdler and said she felt badgered and intimidated.

Dr Rindos, who also was gay, was deeply troubled by perceptions that academic fortunes hinged on membership of an "inner circle" within the department, where staff included present and former girlfriends of Professor Bowdler. Dr Rindos claimed he suffered institutional harassment and was shunted between departments when he made his concerns known.

The affair polarised the university and archaeology lost its autonomy. Professor Bowdler retained a full professorial salary and Dr Rindos was sacked.

Even critics exhausted by Dr Rindos's pursuit of the case praised his enthusiasm in the classroom, where he was known for sweat-soaked shirts and lively methods of popularising science.

Mr Goddard said yesterday: "He was a brilliant man who adored teaching. The University of Western Australia denied him the very thing he loved doing the most."

Campus Review,
11 December 1996
p 4

IN BRIEF

Rindos dies

ARCHAEOLOGIST Dr David Rindos, the former academic at the centre of an unfair dismissal charge involving the University of Western Australia, has died.

Dr Rindos, 49, was a senior lecturer in archaeology when he became the first academic to be denied tenure by the university in June 1993.

A WA Legislative Council this year investigated Rindos's claims that he was unfairly victimised after alleging that a lesbian professor was preying on female students. State parliament is expected to report its findings early next year.

Dr Rindos is understood to have died in his sleep on Sunday night.

— AAP

Rindos probe finds past inadequacies

By ROSS STOREY

A UNIVERSITY of Western Australia senate committee has concluded its investigations into the seven-year-long Rindos archaeology affair and identified inadequacies in some procedures that existed at the time.

The report, handed to the UWA senate this week, found, however, that the university had addressed the inadequacies in an ongoing review of management processes, and supported vice-chancellor Professor Fay Gale's actions.

It concludes that once Professor Gale directly intervened, she set in train processes that ensured professional judgments were made that were consistent with the university's policies and procedures.

The investigation also found that since the time of the events, UWA's policies and procedures had been improved and upgraded.

Complaints procedures and guidelines for supervision and conduct in the workplace had also been addressed.

Because of intense media speculation about the Rindos archaeology affair, the committee was appointed in February last year to carry out a fresh investigation of past events in UWA's former archaeology department and the refusal of tenure to archaeologist Dr David Rindos, who died in December from a heart attack.

The committee's establishment came after claims, made under parliamentary privilege in the West Australian Legis-

lative Council, that Rindos had been treated unfairly.

West Australian Labor MLC Mark Nevill, a long-time critic of the university's role in the affair, told Parliament at the time that it was a scandal without precedent in the history of higher education in Australia, and one that was being covered up rather than corrected.

Mr Irwin Barrett-Lennard led the committee, which included Justice Robert Nicholson, Mrs June Jones and Dr Jim Gill.

Acting UWA vice-chancellor Professor Alan Robson said the administration welcomed the findings of the report.

Professor Robson said it vindicated the consistent position of the university that due process was adhered to by senior management.

The university would act on the report's valuable recommendations on human resource management, training and staff induction.

"It is also pleasing to note the committee's recognition that since the period in question the university's policies and procedures have been enhanced and augmented," Professor Robson said. "It is the intention of the university to regularly report to senate on progress in dealing with the recommendations."

The West Australian parliamentary inquiry into the affair is expected to resume in March with the opening of the year's first parliamentary session.

Rindo inquiry reports on weaknesses at UWA

By MAUREEN DE LA HARPE

THE senate committee set up by the University of WA to investigate the denial of tenure to former lecturer Dr David Rindos, who died last month in Perth, found weaknesses in internal processes, and has made a number of recommendations.

The committee reported that once vice-chancellor Professor Fay Gale intervened, she set in train processes to ensure professional judgements were made.

Presenting its report, the committee emphasised that it had confined its investigations to the "adequacy of university procedures now in place", and did not set out to comment on either the decision to deny tenure to Rindos or the findings of the 1991 review of the now-defunct department of archaeology.

The decision to limit its investigations was based on the broad terms of reference of the state government committee set up to investigate the case, and also "because aspects of the processes have been challenged by Dr Rindos and the merits of this challenge cannot be assessed by recourse to documents only because of the requirements of natural justice".

Noting that the university has already introduced new policies and procedures to prevent a recurrence of similar problems, the senate committee recommended improvements in a number of areas, including recruitment, tenure, work performance, professional conduct, complaints management, departmental reviews, staff and student management, records management/security, and public debate.

The committee suggested the university consider whether records of allegations about staff or student behaviour should be preserved in the confidential file system, and for how long; the circumstances under which information may be destroyed; and the rights of those alleged to have committed an offence to be informed of them. All avenues of complaint available to students should be effectively publicised.

In the realm of public debate, the committee said the image of the university may have been tarnished by media reports, "some of which were uninformed and inaccurate, or even malicious", and that the senate had a responsibility "to ensure that, in matters of public interest, its affairs are set out at an early stage fairly and unequivocally through the most appropriate means".

Acting vice-chancellor Professor Alan Robson said the university would report regularly to senate on progress in dealing with the recommendations. He welcomed the findings of the committee.

The Parliamentary committee set up last year to look into the Rindos case was dissolved when the WA state Parliament was prorogued before the December elections. However, former chairman Barry House MLC said that it would be reconstituted when Parliament resumed, when it would be up to the new committee to decide on future actions. Before the committee was dissolved, it had reached a decision to change its focus to public administration.

Rindos probe team promises answers

THE West Australian parliamentary inquiry into the University of Western Australia's five-year-old Rindos affair will continue in a new form despite the death last December of the main protagonist, Dr David Rindos.

The controversial denial of tenure to Dr Rindos, a noted archaeologist, created a stir in university circles.

The inquiry, with powers equivalent to those of a royal commission, has been reconvened as the Legislative Council's Public Administration Committee, under the chairmanship of Labor MLC Kim Chance.

It will meet today for the second time this year, with Labor MLC Cheryl Davenport as the only new member.

Mr Chance, who replaces MLC Barry House as chairman, told the *HES* the previous committee had left a number of "unresolved issues and unanswered questions".

The new committee was awaiting legal advice, expected in the next week, which

would determine when further evidence would be taken. Mr Chance could not specify when the final report would be completed.

"Our main interest is in the processes used by UWA, and indeed any other university, in the difficult area of tenure extension," he said. "We will be working to tie up a whole heap of very untidy loose ends."

"The death of Dr Rindos ... doesn't affect the investigation."

The university is pressing for a speedy end to the inquiry.

"While UWA retains the view that the inquiry was an unnecessary expense on the taxpayer, it is important the committee concludes its work as soon as possible," said acting vice-chancellor Professor Alan Robson. "The university reaffirms its willingness to co-operate fully ..."

The previous committee, now reformed, held more than 20 meetings last year, taking evidence from 17 witnesses and written

submissions from 60 others. Its terms of reference include investigating whether the procedures adopted by UWA to review Dr Rindos's tenure, and his subsequent appeals, amounted to a breach of the common law rules of fairness.

The committee planned to make recommendations from the case on "the need to maintain the integrity, professionalism and international standing of State universities generally, thereby reinforcing the public confidence in the State tertiary education system".

The inquiry was sparked by Labor MLC Mark Nevill's statement in Parliament late in 1995 that conditions in UWA's former archaeology department (now disbanded) had constituted "a scandal without precedent in Australia and one which was [being] covered up rather than corrected".

UWA has consistently maintained that Dr Rindos was fairly treated and in accordance with established procedures.

— ROSS STOREY



UNIVERSITY challenge . . . Aboriginal author Sally Morgan, who has come under pressure from West Australian academics after her appointment as a professor to head a research centre.

ONE of Australia's richest universities has come under fire over the appointment of Aboriginal author Sally Morgan to head a research centre set up with a federal grant. **MARK RUSSELL** and **JOE POPRZECZNY** report.

SHE is a popular author with a talent for creative writing.

Her best-selling autobiographical book, *My Place*, has sold more than 300,000 copies and she has now become a professor.

But while Sally Morgan is carving a niche in Australian literary and academic circles, her critics are demanding to know how she was able to help snare a \$1.72 million Federal Government grant and grab a plum academic job which was never advertised.

Professor Morgan and her sister, academic administrator Jill Milroy, have become mired in controversy.

The sisters worked together on a funding submission to the Federal Government to create the Centre of Indigenous Art and History at the University of Western Australia.

There were others involved in the submission, notably UWA professors Paige Porter, Fiona Stanley, Richard Bartlett and Tom Stannage, as well as doctors David Atkinson and John Stanton.

But when Federal Education Minister Amanda Vanstone gave the green light for the centre late last year and handed over \$1.72 million in taxpayers' money to set it up for three years, there was the burning question of who would run it.

Professor Morgan, 46, was quick to put her hand up for the job but her peers said her academic record did not warrant such a prestigious appointment.

The submission stated that the "university intends to appoint, as director at professorial level, the internationally renowned author and artist Sally Morgan".

This was an extraordinary claim since the position had never been advertised, sparking cries from within university ranks of undeserved favouritism.

There were suggestions Professor

Author's new role writes a controversial chapter

The Courier-Mail p. 10 (5 April 1997)

Morgan had unfairly secured the inside running for the professorial job, a position which normally carries a salary of about \$80,000 a year.

The committee's submission was exposed publicly for the first time in December last year when an anonymous letter was circulated claiming her appointment had been snuck through a back door.

The university's deputy vice-chancellor Alan Robson was forced to confirm that Morgan had been nominated for a professorship under UWA's fast-tracking procedures.

Professor Robson said no decision had been made to appoint Morgan as a professor despite the submission to the Federal Government clearly stating this was the case.

"The process, as in most professorial appointments, requires peer assessment of a candidate's suitability," Professor Robson said in a letter dated December 20 last year in response to inquiries from *The Courier-Mail*.

"Assessors, external to the University of Western Australia, have been approached to provide recommendations on her suitability to hold the position of professor."

So the Federal Government was told UWA intended to appoint Professor Morgan as a professor when she was, in fact, only a nominee at that stage.

When it was discovered that Pro-

fessor Morgan, a UWA graduate with an average degree that included a failure, was earmarked for a professorship, all hell broke loose.

The head of UWA's Physics Department, Ted Maslen, fired off a "please explain" letter to the university's academic board in January.

"Traditional academic protocols are a distillation of the collective wisdom acquired over generations," Dr Maslen, who died suddenly in February, said in his letter.

"They are respected in institutions with distinguished records for managing research."

"Those protocols have never become tiresome restrictions on brilliant minds, but on many occasions have held in check the mediocre and the hare-brained."

Less than 48 hours before his death on February 2, Dr Maslen wrote a letter to his state MP, Phillip Pendar, complaining that UWA executive officers were controlling the campus.

Despite the growing concerns being expressed within its own ranks, UWA's vice-chancellor Fay Gale proudly announced Professor Morgan's appointment to head the indigenous research centre on February 26.

In a brief press release, Professor Gale said the appointment was an exciting step forward for the university and the state.

"There is no doubt that Sally Morgan brings a wealth of talent and international standing to the position," Professor Gale said.

The appointment was immediately attacked by leading UWA academic Patrick O'Brien.

Professor O'Brien said this week young academics setting out on their careers were asking what the point was if someone with Professor Morgan's lack of academic qualifications could be fast-tracked into a professorship.

"The game is just fixed," he said, adding that he had no objections to Professor Morgan being employed as an administrator of the indigenous research centre but not as a professor.

"On the university's own published criteria, she simply does not have the necessary qualifications to hold a senior academic position," he said.

"The university's criteria for a professorial position is that an individual must have a distinguished international reputation in academic research, academic publications, academic teaching, and made an outstanding contribution through their academic work to the community."

"What her appointment shows is that the university's bureaucrats have no criteria or standards. The criteria is simply what they say it is."

Professor O'Brien said Professor Morgan's Bachelor of Arts results, in which she had majored in psychology, would hardly qualify her as an honours student.

He said her 1987 book, *My Place*, could not be described in any shape or form as a piece of research history.

"She's spun an interesting, quasi-documentary tale about her heritage," he said.

Sally Morgan did not return calls this week but claimed, in an earlier newspaper interview, that Professor O'Brien was being one-eyed.

She said her new job was a designated indigenous position which could not have gone to a non-indigenous person.

'What her appointment shows is that the university's bureaucrats have no criteria or standards. The criteria is simply what they say it is'

She was adamant her academic record, as well as *My Place* and a collection of plays and short stories and various paintings, more than justified her appointment.

She claimed people felt threatened by an Aboriginal woman heading a new research centre.

Amid the controversy, an ironic twist involving sacked academic David Rindos has added to the furore.

Dr Rindos died a week before the anonymous letter criticising the planned appointment became public after a three-year battle with UWA over his sacking.

The reason given for removing Dr Rindos, an internationally acclaimed archaeologist, from his senior lectureship post was that he had not published sufficient articles to meet UWA's standards.

His sacking sparked a state parliamentary inquiry, as well as more than 60 letters from some of the world's top archaeologists.

During the parliamentary inquiry, which will hand down its report this month, Professor Gale, who has vigorously defended Professor Morgan's appointment, said Dr Rindos was not up to scratch for UWA.

A number of UWA's most senior academics feel the same way about Sally Morgan.

UWA rebuked over Rindos affair

By ROSS STOREY

THE University of Western Australia has been reprimanded by a State parliamentary inquiry into the denial of tenure to archaeologist David Rindos.

The decision comes too late for Dr Rindos, who died a year ago, but will have implications for all universities.

The inquiry found there are no recognised national or international standards for assessing academic tenure and describes procedures as mores that most academic institutions invoke.

"The evidence ... has revealed that tertiary institutions essentially can determine their own procedures for review and performance, and the University of Western Australia is no different in this regard," the report says.

"In this vein, the committee accepts ... that in all reality, assessments of people are often of necessity subjective, and based on a complex mix of experience and intuition.

"This, however, does not preclude the need for the university to act with fairness and consistency."

The report, handed down last week, says the American-born Dr Rindos did not have adequate and fair opportunities to present his case.

The inquiry found the university administration had relied on material not disclosed to Dr Rindos in determining his tenure application.

Dr Rindos devoted his energies to getting an outside assessment of what became an extraordinary and controversial affair, which left him unemployed and driven by a sense of injustice for three years.

He had been refused tenure when the university said his research productivity was significantly below that normally expected of a senior lecturer in a university — a claim he strenuously denied.

UWA vice-chancellor Professor Fay Gale had said the decision had nothing to do with Dr Rindos's protest over alleged iniquities in the university's archaeology department, then headed by Professor Sandra Bowdler.

But in a letter to Dr Rindos in 1993, Professor Gale acknowledged that her decision was based on matters additional to a tenure review committee's finding on academic grounds, and these matters related to his difficulties with Professor Bowdler and the future scope of the archaeology program.

State Labor MLC Mark Nevill

successfully called for a full inquiry into the Rindos affair by the State parliamentary committee, which had the powers of a royal commission.

Last week Professor Gale strongly rejected the parliamentary committee's findings and said it had denied the university natural justice and procedural fairness.

"The report contains errors of fact, findings which appear to be based on evidence which is not disclosed in the report and findings which are illogical," she said.

"The flaws in the process identified by the committee had already been identified by the university and structures have been put in place to avoid a similar situation."

Last week's report branded university procedures as ad hoc and said they did "not adhere sufficiently to the common law rules of procedural fairness, given that all relevant information was not disclosed to Dr Rindos for his assessment and rebuttal".

The report criticises the university's record-keeping and document handling facilities, which it says had resulted in "delays, misplaced documents, incomplete files and inadequate material before the committee".

Australian, 10 December 1997, p 29

Missing Rindos file recovered

By MAUREEN de la HARPE

TWO missing personnel files relating to Dr David Rindos, former lecturer at the University of Western Australia, have turned up in the offices of the Freedom of Information Commission in Perth.

The loss of the files was discovered last year when Rindos requested access to them under the FOI Act. They had been sent to the commission along with other documents relating to the denial of tenure to Rindos in 1993. The personnel files were delivered separately, according to commission staff member Bruce Denham.

Although receipts were issued for all other material, neither the university nor the commission recorded the handing over of the personnel files. "There was a breakdown in procedure here and at the university," Denham said.

When the loss was discovered, the university conducted a search and employed an investigator.

The commission told the university in January this year that the files were not at the commission. However, when a search was conducted recently, they were found in a security storage area.

Denham said steps had been taken to make sure the mistake could not happen again. "In future, we will ensure that not only is a receipt issued, but details recorded as well."

The files were returned to the university last week. Rindos welcomed their recovery and said he had asked for copies of the contents to be sent to him.

Barry House, chairman of the parliamentary committee inquiring into the denial of tenure to Rindos, said the next public hearing would probably be held at the end of this month.

Campus Review, 22-28 May 1996, p. 3

UWA criticised over Rindos tenure

MAUREEN DE LA HARPE
Perth

IN DECEMBER last year, the Western Australian parliamentary committee set up to inquire into events surrounding the denial of tenure to Dr David Rindos, found that, as he had reasonably expected to be granted tenure at the end of his initial period of employment, he did not have "adequate and fair opportunities" to present his case.

He was not afforded common law procedural fairness, due to the University of Western Australia's "apparent reliance on material not disclosed to Dr Rindos".

The Standing Committee on Public Administration found that procedures used to review his case, and subsequent appeals, were ad hoc.

Overall, they did not adhere sufficiently to common law rules of procedural fairness given that all relevant information was not disclosed to him.

Criticism was not confined to the tenure review process alone. The committee found flaws in the early handling of Rindos's appointment, the fact that he was not given sufficient opportunity for counselling regarding his "allegedly deficient performance at any stage during his period of employment with the university".

The report was critical of his appointment as acting head of archaeology at a

time when he was unfamiliar with the Australian university system (although it acknowledged that, as an experienced academic, he could have gained the relevant information). There was criticism that his supervisor Professor Charles Oxenard (who, in his first year evaluation, found Rindos' progress "satisfactory") was not interviewed by the Tenure Review Committee (although he was consulted by phone).

The report argued that if the then Vice-Chancellor, Professor Fay Gale, had given the review committee formal guidelines, Rindos would have been better able to answer its inquiries. Although the guidelines were based on teaching, research and, to some extent, community activities, they were not formalised, and minutes of the proceedings were never taken. The committee was critical of the fact that relevant "environmental factors" (such as personality conflicts) were not given due attention.

The committee said the vice-chancellor should have ensured that all documents consulted by her in reaching a decision were made available to Rindos, including the contents of an unfavourable June 1991 tenure report by Professor Sandra Bowdler.

The report was critical of the university's record keeping and document handling facilities "which have often

resulted in delays, misplaced documents, incomplete files and inadequate material before the Committee". While acknowledging that many of these issues have since been addressed, the committee recommended that UWA undertake a detailed assessment of such processes.

The report also referred to the UWA Senate inquiry into the matter, noting that no concerns about Rindos' academic performance were expressed by Bowdler or anyone else until after he had, as acting head of archaeology, formally raised serious complaints about her administration. The committee saw no evidence to substantiate her claim that she herself raised concerns with Rindos prior to 1990.

"In any event," says the report, "the Senate Report does not address the concerns still expressed by both students, staff and commentators that there has been serious mismanagement within the Department of Archaeology at the University, and this is of continuing concern to the committee."

The committee suggested that recommendations by the Senate for improving administrative and staffing procedures be implemented as soon as possible.

Describing the report as a "wasteful and unnecessary exercise", the university refuted its findings, and claimed in turn that the committee had denied it natural justice and procedural fairness. Gale

(who has since retired from her position) argued that the report had not established that UWA had made its decision on material not disclosed to Rindos.

She said the report contained errors of fact, and findings "which appear to be based on evidence which is not disclosed in the report, and findings which are illogical".

Its most damning conclusions (that Rindos was denied common law procedural fairness) were based on an incorrect assumption because the university did not rely on material not disclosed to him in reaching its decision, which it continues to stand by. She accused the committee of not paying due attention to process, of being at times heavy-handed in its approach, of a serious breach of privilege, and of misleading the university.

"The flaws in process identified by the committee had already been identified by the university and structures have been put in place to avoid a similar situation," said Gale.

She said the matter should never have gone to parliament as it was an industrial relations issue, it had cost taxpayers thousands of dollars and taken so long that the report had almost lost its relevance. "Naturally, as a responsible institution, we will examine the report to see if any particular aspect could assist in the management of the University."

Rindos case returns to haunt UWA

• From page 1

claimed was raising questions about the conduct of a colleague.

His case attracted international attention and archaeologists from abroad wrote to support him. Lord Renfrew said he had followed the affair and had spoken to Rindos before his death.

Rindos had made a significant contribution to archaeology, he said.

"His work on the origins of agriculture is a sort of standard classic - that is why it seemed extraordinary to me that the university tried to suggest he wasn't a scholar of very high standing."

This was a reference to the fact that UWA justified denying Rindos tenure because he had a poor academic record. The former vice-chancellor, Professor Fay Gale, later told *Campus Review* that no academic with so few publications to his credit would have been given tenure.

Rindos kept fighting for reinstatement, instated, claiming it was not his productivity but his whistleblowing that was the real reason UWA rejected him.

A self-declared homosexual, Rindos argued he was denied tenure because he had raised concerns about the conduct of the then head of archaeology, Professor Sandra Bowdler, a lesbian, who was accused of sexual harassment.

But a university inquiry later recommended that Rindos be denied tenure because of unsatisfactory performance. Gale accepted the recommendation and has since maintained that the questions raised by Rindos about Bowdler were not related to his being denied tenure.

She told *Campus Review* that complaints had been made by students and, as a result of an investigation, Bowdler was removed as head of archaeology and the department shut down.

Lord Renfrew said he realised part of the issue was the amount of work Rindos was producing while at the university - the book on the origins of agriculture was an earlier one - but that "once he got enmeshed in all this strife within the department it became a very difficult working environment".

"I did not know him before all this began so I am reasonably partial, whereas the actions of the university looked to be very partial and very vindictive and seemed to be caught up with the strange relationships within that department."

The WA Legislative Council decision to hold an inquiry on the issue (before Rindos died) was a first for the state (see story this edition, page 2), but it was condemned as intrusive by the Australian Vice-Chancellors' Committee.

Gale, who retired in December, rejected the inquiry's findings and said the university stood by its decision. She accused the committee of denying the university natural justice and fairness.

"There is nothing contained in the committee report which materially affects the decision to deny Dr Rindos tenure," Gale said.

Renfrew had heard about the personal relationships between academics at UWA, and between staff and student.

"I know Dr Rindos had his own personal life but I don't think that involved his department - whereas others were very departmental, if you see what I mean. I've always taken the view that someone's personal life is their own affair unless it impinges on their professional life. I thought Dr Rindos behaved broadly correctly but others less so."

"We should all be seeking to uphold academic values and when a university seems to fall far below decent academics values I think it is an international question - not just a local one," Renfrew said.

February 4-10, 1998

Rindos case returns to haunt UWA

GEOFF MASLEN
Melbourne

EVEN in death, Dr David Rindos continues to create controversy.

Just a year after he died, Rindos created news headlines again in December when the report of a Western Australian parliamentary inquiry criticised the University of Western Australia over the way it had dismissed him in 1993.

Now a distinguished British archaeologist has joined in the chorus of condemnation with a vehement attack on the university as well. Professor Lord Renfrew of Kaimsthorpe described the treatment Rindos received as a "monstrous injustice".

Lord Renfrew - director of the McDonald Institute for Archaeological Research at Cambridge University - said he believed the actions of the university constituted "one of the most flagrant cases of academic injustice" he had seen in recent decades.

He said he had recently read the report of the parliamentary inquiry into the case and found its findings alarming. He believed the strain and tension surrounding the affair may have contributed to Rindos' death and he had felt he should speak up.

"When somebody dies then they are no longer in a position to undertake any legal action - anything Dr Rindos may have been contemplating has presumably been stayed - so it's a great pity if the necessary questions do not continue to be asked."

The report reprimanded the university and said it had not given Rindos adequate and fair opportunities to present his case.

Rindos was appointed a lecturer in archaeology at UWA in 1989 with a PhD from Cornell University and several years experience teaching in American institutions. Three years later, he was denied tenure, placed on further probation and sacked for what he

• Continued page 3

Rindos: right of reply

IT was disappointing to note your report "Rindos case returns to haunt UWA" in *Campus Review*, February 4-10, 1998.

Apart from the reporting of an individual's opinion, proffered remotely some 15,000 kms away from the source of the issue, one queries the level of interest your readers would find in a matter that was, in essence, an industrial issue some seven years old.

The fact that Dr David Rindos passed away more than one year ago would also, I would have thought, diminished reader interest.

However, some important points need to be made for your edification.

The Rindos case ended with UWA's complete rebuttal of the Parliamentary Report. The University has conceded publicly on many occasions, since 1991, that the matter should have been handled better in its initial stages.

In the seven-year period since 1991, at no time did Dr Rindos seek redress from the University Visitor.

An inquiry by the University's governing body, the Senate, found the matter had been appropriately handled once it reached senior management.

Since 1991, the University has put in place improved procedures and processes to manage such issues.

The Parliamentary Report mentioned in your article has been widely condemned both inside and outside the University community (for example, in an editorial in *The West Australian* on December 8, 1997).

The University of Western Australia has made a complete rebuttal of the Parliamentary Report, which did not say the University had been wrong in denying Dr Rindos tenure.

Despite an offer of assistance to find employment elsewhere since 1991, no other institution was attracted to Dr Rindos.

Professor Alan Robson
Acting vice-chancellor
University of Western Australia.

Campus Review
11-17 Feb 1998
p.10

Time for UWA to admit error

THE acting vice-chancellor of the University of Western Australia, Professor Alan Robson, appears to be slow in learning the lessons of the Rindos Affair (letters, *Campus Review*, February 11-17, 1998).

The fact that an opinion on the affair originated 15,000 km from Perth does not, Professor Robson, automatically devalue that opinion. Similarly the tragic fact that David Rindos is deceased, Professor Robson, does not mean that interest in the affair is diminished - wishful thinking on your part, I think.

When, for crying out loud, is someone in a position of authority



at UWA going to have the guts to say simply: "We got it wrong - we made a mistake"?

The university dug in its heels from day one of this affair, and with breathtaking academic and managerial arrogance has attempted to stifle any outside criticism or informed comment.

Furthermore, UWA's cosy rela-

tionship with the *West Australian* newspaper is the reason Robson takes delight in citing their editorial. UWA management's selective interpretation of the facts of the Rindos Affair would fail any undergraduate assignment aimed at obtaining an objective summary.

I would suggest to Professor Robson and any of his like-minded colleagues that interest in the affair has not diminished, and neither have the criticisms of UWA's management of it.

Ex UWA staff member,
Perth.
(Editor's note: name and address withheld)

p.10

When Fay Gale was threatened with being 'run out of town', she knew being the West's first woman university chief would be tough. But that was only the half of it, writes HELEN TRINCA.

IT WAS late at night, at the end of a long day at the office when Professor Fay Gale finally made it back to her parked car at the University of Western Australia. Vice-chancellor Gale had already faced a robust protest over her recent pay rise: students (some of them from another university) had marched on her office, daubed slogans over the sandstone at the new art gallery on campus and stuffed library air conditioners with paper.

But nothing had prepared Gale for the dog faeces smeared inside and outside her car. The stench was unbearable. There was no-one to help, so Gale scraped it off and drove home. The next day students came to see her with a bunch of flowers and an apology.

Would it have happened if Gale had been a male? If all university chiefs do it tough these days, did the first woman vice-chancellor of the conservative, perhaps even smug campus, nestled on the shores of the Swan River, do it even tougher?

Gale, who retired at the end of last year says "yes, yes and yes again". For eight years in Perth she found it so tough being a woman that she contemplated resigning many times.

"The number of times that I would have quit in the middle period really were quite substantial," she said yesterday from Adelaide, where she is again living. "But I knew if I did there would not be another woman vice-chancellor for 25 years. They would say we couldn't take the heat."

Last week, Gale spoke out for the first time about that heat. Before 100 women guests at a farewell function in MacLaurin Hall at Sydney University, Gale, who also spent two years of those eight as the president of the umbrella group, the Australian Vice-Chancellors Committee (AVCC), let it all hang out. Hers was an extraordinary story for an extraordinary dinner organised by a network of university women, the National Colloquium of Senior Women Executives in Australian Higher Education.

There were several other female vice-chancellors present, along with deputy vice-chancellors and pro-vice-chancellors — a far cry from the suits still so prevalent at mixed university functions. But when Gale, now 65, began at UWA, she was only the second woman vice-chancellor in

touch regretful, wondering if she should have been more positive about her time on campus. She heard on the grapevine that the Sydney University Chancellor, the redoubtable Dame Leonie Kramer, who had sat alongside Gale at dinner, was unmoved by her thesis. Dame Leonie declined to comment to the *Herald*.

But yesterday, as Gale prepared to chair a meeting of the Academy of Social Sciences, of which she is president, she sounded relaxed about her revelations.

"It doesn't matter now that I am retired," she said, explaining why she had been so open. "And I think that some of these things need to be said. One of the important things about the colloquium is that it is there to try to get people strong enough to help each other."

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Certainly the Rindos case was very much in the "too-hard-by-far basket". It divided Perth media: the daily newspaper, the *West Australian*, supported Gale's decision; the weekly, the *Sunday Times*, did not.

At one stage, Gale says, a reporter came to see her in her office and said he intended to run her out of town. She is still reeling from the publicity.

"I used to be a big supporter of parliamentary privilege," she told the audience last week. Not any more. She believes she was defamed in parliament but had no recourse.

Doing it tough as a trailblazer . . . former UWA vice-chancellor Professor Fay Gale. Photograph by MAYU KANAMORI

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DEGREES OF POWER

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In her speech, Gale made it clear how difficult she found it being a woman in a huge job without a partner. She was divorced many years ago and has an adult family, who did not go to Perth with her.

"Most senior women are single. Men don't realise the support they get from their wives."

She went to Perth without a network and says that life would have been much easier if she had taken an equivalent job in Adelaide, where she had friends going back years. She was seriously ill last year with complications following surgery and found herself wondering how much was due to stress. Without a partner she had failed to take holidays in recent years and in her eight years in Perth did not take leave.

It was difficult but challenging trying to change a big organisation and Gale is far from sorry she did the job, taking great pleasure in having helped build UWA's national and international profile in the 1990s.

"When I went there it was almost impossible to appoint staff from outside; the people inside were cloning themselves," she said yesterday. "It was not a deliberate thing against women; it just happened. In one department I found virtually all the staff had been postgraduate students of the professor. He had cloned himself."

Many male vice-chancellors might argue they too have had a rough time in their jobs but Frank Hambly, the former executive director of the AVCC, who has seen more V-Cs come and go than the rest of us have had baked dinners, says Gale is right. Women do it hard at the executive level at universities.

"I think Di had a rough time; I think Fay had a rough time," says Hambly. "She ran into the Rindos thing and they just would not let up and because she was a woman I think it was more difficult for her."

He thinks it is now easier for the six women vice-chancellors (out of 36 universities) but agrees that not having a partner — the more

when Fay Gale was threatened with being 'run out of town', she knew being the West's first woman university chief would be tough. But that was only the half of it, writes **HELEN TRINCA**.

IT WAS late at night, at the end of a long day at the office when Professor Fay Gale finally made it back to her parked car at the University of Western Australia. Vice-chancellor Gale had already faced a robust protest over her recent pay rise: students (some of them from another university) had marched on her office, daubed slogans over the sandstone at the new art gallery on campus and stuffed library air conditioners with paper.

But nothing had prepared Gale for the dog faeces smeared inside and outside her car. The stench was unbearable. There was no-one to help, so Gale scraped it off and drove home. The next day students came to see her with a bunch of flowers and an apology.

Would it have happened if Gale had been a male? If all university chiefs do it tough these days, did the first woman vice-chancellor of the conservative, perhaps even smug campus, nestled on the shores of the Swan River, do it even tougher?

Gale, who retired at the end of last year says "yes, yes and yes again". For eight years in Perth she found it so tough being a woman that she contemplated resigning many times.

"The number of times that I would have quit in the middle period really were quite substantial," she said yesterday from Adelaide, where she is again living. "But I knew if I did there would not be another woman vice-chancellor for 25 years. They would say we couldn't take the heat."

Last week, Gale spoke out for the first time about that heat. Before 100 women guests at a farewell function in MacLaurin Hall at Sydney University, Gale, who also spent two years of those eight as the president of the umbrella group, the Australian Vice-Chancellors Committee (AVCC), let it all hang out. Hers was an extraordinary story for an extraordinary dinner organised by a network of university women, the National Colloquium of Senior Women Executives in Australian Higher Education.

There were several other female vice-chancellors present, along with deputy vice-chancellors and pro-vice-chancellors — a far cry from the suits still so prevalent at mixed university functions. But when Gale, now 65, began at UWA, she was only the second woman vice-chancellor in Australia, following the trailblazer, Professor Di Yerbury at Macquarie University.

Gale's speech to these women, most of them considerably younger than her was personal, emotional and risky. At times her voice almost broke. By the next day Gale was a

touch regretful, wondering if she should have been more positive about her time on campus. She heard on the grapevine that the Sydney University Chancellor, the redoubtable Dame Leonie Kramer, who had sat alongside Gale at dinner, was unmoved by her thesis. Dame Leonie declined to comment to the *Herald*.

But yesterday, as Gale prepared to chair a meeting of the Academy of Social Sciences, of which she is president, she sounded relaxed about her revelations.

"It doesn't matter now that I am retired," she said, explaining why she had been so open. "And I think that some of these things need to be said. One of the important things about the colloquium is that it is there to try to get people strong enough to help each other."

Some of these things in Gale's case went back to the early days of her career at Adelaide University, where she was named the first woman professor in 1978. She recalls finding out that the council had made her a professor only two days later, by chance: as a young mother who went home to her kids after work, she did not know that her male colleagues gathered at the bar after council meetings to find out what happened.

Still, that was then and now is now, and for the MacLaurin Hall audience, the real interest was how Gale coped in Perth in the 1990s.

The pay dispute was her baptism of fire. She told her audience that she and Yerbury were targeted over salary rises in a way that their male colleagues were not.

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Gale argues she was singled out because she was a woman, but suspects she made it harder for herself by not fighting the university Senate and forcing it to keep her salary confidential. She did not realise how the issue would blow up,

but notes with interest that her successor, Professor Deryck Schreuder, who has moved there from the University of Western Sydney, is not being given the same treatment. A UWA spokesman confirmed yesterday that the vice-chancellor's package was confidential and the details of his appointment had been handled by a committee of the senate which had reported back in closed session to the governing body.

Gale's determination to be an agent of change at UWA was part of her problem.

She wanted more women professors — a relatively benign goal for the times, but in Perth, where there were only two women professors on campus by the end of the 1980s, it was clearly a bit of a leap.

For two years, Gale refused to consider an appointment to the chair of engineering — until the men who

ran the faculty came back with a short list which included a woman candidate.

She thought it ludicrous that there were increasing numbers of women students in engineering and virtually no women staff. Eventually the selection committee found a woman candidate. By the time Gale retired, there were 16 women professors on campus, four short of the 20 per cent goal she had set at the start of her term, but not bad.

Much of Gale's stress at UWA came from the astonishing furore involving her decision not to give tenure to an anthropology staffer, Dr David Rindos, who died about a year ago.

This complicated case, which ran for six years, became a cause célèbre throughout the Australian academic community.

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"I used to be a big supporter of parliamentary privilege," she told the audience last week. Not any more. She believes she was defamed in parliament but had no recourse.

Even the Keating victory in 1993 didn't help. She was still on the front page of the *Sunday Times* the next day, she says, deemed as exciting as a Federal election result. (Late last year, a State Parliamentary inquiry reprimanded the UWA over the denial of tenure saying Rindos had

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He thinks it is now easier for the six women vice-chancellors (out of 36 universities) but agrees that not having a partner — the more common state among the senior women — is difficult: "They can't get home and let off steam."

But he points out too that Gale became head of the AVCC in 1996 because of the determined lobbying from the other male vice-chancellors — they wanted her in the job.



DEGREES OF POWER