



THE UNIVERSITY OF NEWCASTLE

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THE CHANCELLOR  
SIR BEDE CALLAGHAN, C.B.E., D.Sc. (Hon.)

11 June, 1980.

Dear Member of Staff,

You will no doubt be aware that the Council of the University, at a special meeting on May 20, decided that Dr. M. E. Spautz, a member of the academic staff, be dismissed. It was agreed that if a resignation in writing from Dr. Spautz were received prior to his dismissal becoming effective, it would be accepted.

This, it will be realised, is a very serious step for the Council of any university to take and, if only for that reason, I believe all associated with the University should be given an assurance that, in its consideration of the underlying issues, the Council has not only been concerned to proceed in accordance with the requirements of the University Act and By-laws but also to act only after prolonged and serious deliberation, with the best interests of the University and the staff as a whole constantly in mind.

In the circumstances, I believe that I, as Chancellor, should inform all members of staff of the background of this matter and give hereunder a brief summary.

From early in 1979 the Vice-Chancellor sought to settle certain issues that had arisen in the Department of Commerce but, by the time of the Council meeting on 19 October, 1979, the stage had been reached where it had become necessary for him to make a report to Council on relevant events.

In so doing, the Vice-Chancellor was at pains to bring out that "The nature and purpose of a university are such that a constant conflict of opinion on any academic matter is valid and welcomed, if properly expressed and reasonably argued". This point was fully recognised by Council which, in respect of academic aspects, passed the following resolutions :

- 243/79: *that Council acknowledges the right for differing opinions to be held on academic matters, recognises the right and defends it.*
- 244/79: *that Council emphasises it is important that academic debate should proceed in ways that do not damage the work of Departments, the interests of students, or the standing of the University in the eyes of the outside community.*

As regards the Department of Commerce, Council was, of course, anxious to obtain as soon as possible a proper resolution of the problems which had become apparent. Accordingly, and bearing in mind the academic aspects of the problems and in the hope that a further attempt at reconciliation would be successful, Council asked a committee comprising Professors M. P. Carter, G. C. Curthoys and K. E. Lindgren "to use their good endeavours .....

to restore a position in which normal academic work can proceed in the Management Section of the Department of Commerce".

Though they tried hard, the efforts of this committee were unsuccessful but, among other things, it suggested that (nevertheless) "one last effort should be made to resolve matters in the academic theatre - that is, without resort to law".

Council considered the committee's report at its December 1979 meeting and accepted the suggestion that a further attempt be made to resolve the matter by agreement. To this end, Council issued a series of detailed instructions which it directed Dr. Spautz to observe. It was, however, made quite clear to Dr. Spautz that disobedience in this matter could be regarded as "misconduct" within the meaning of the By-laws of the University.

Dr. Spautz refused to comply with these instructions and when Council met in February 1980 it became clear that no progress had been made towards a resolution of the underlying issues. Formal action in terms of the By-laws was therefore commenced and a committee of inquiry was established. The committee of inquiry comprised the Honourable Mr. Justice M. D. Kirby (Deputy Chancellor) as Chairman with three other members of Council - Professor K. R. Dutton, Mr. L. Gibbs and Mr. A. Oliver. The report of this committee was received and considered at the special meeting of Council on May 20.

At that meeting the Council gave a lengthy hearing to Dr. Spautz and after discussion passed the following resolutions:

1. *Having considered the Report of the Committee of Enquiry established by Council and having before it the transcript of and the exhibits before that Committee, and having received further exhibits from and heard Dr. M. E. Spautz, the Council resolves that "good cause" has been shown in accordance with By-law 3.6.1.6(3)(b), as extended by By-law 3.7.2.5, in that the Council considers that the conduct of Dr. Spautz has been such as to render him unfit to continue to hold his office.*
2. (a) *That Dr. M. E. Spautz be dismissed from the academic staff of the University.*
  - (b) *That the dismissal be with effect from 12 Noon on Friday, 23 May, 1980, unless in the meantime Dr. Spautz has tendered to the Vice-Chancellor in writing his resignation to be effective from not later than 12 Noon on Friday, 23 May, 1980.*
  - (c) *That without admissions and without prejudice, an ex gratia payment equivalent to one month's salary be paid to Dr. Spautz in addition to any monies lawfully due to him.*

In setting out this brief account of an unhappy series of events, I am concerned to assure members of staff that Council has been aware at all times of the serious nature of the matters with which it was dealing - serious not only for those more directly concerned but serious too for the University as an institution.

Indeed, all concerned have my assurance -

- (a) that the fullest regard has been paid to "the University environment"; and
- (b) that meticulous attention has been paid to the requirements of the Act and By-laws under which the University operates.

A handwritten signature in cursive script, reading "Bede Callaghan". The signature is written in black ink and is positioned above the printed name and title.

Bede Callaghan,  
CHANCELLOR.