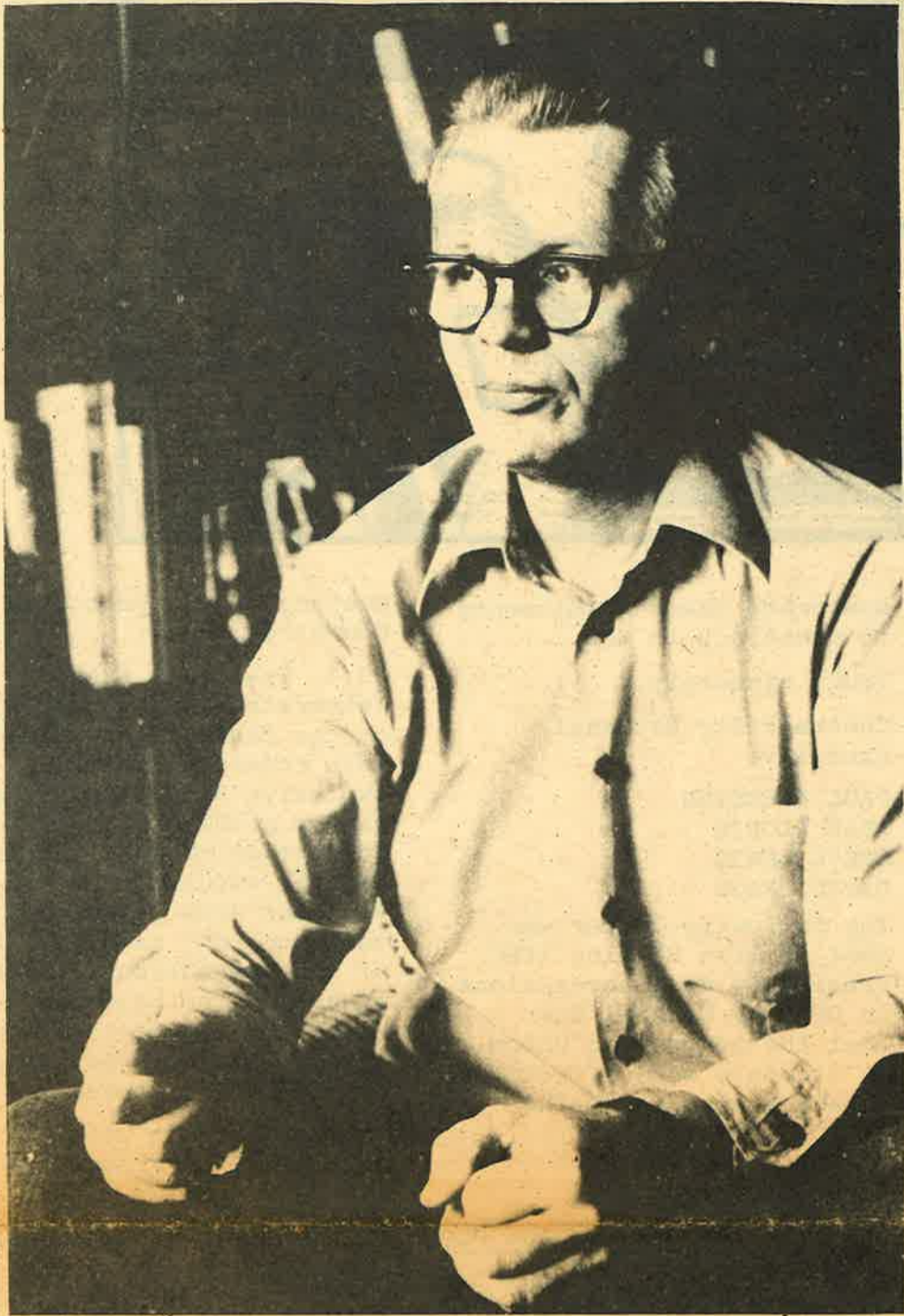


lecturer dismissed!



Dr Spautz . . . to fight for "justice."

MEMORANDUM

TO: The Vice-Chancellor 21/5/80
FROM: The Secretary
SUBJECT: Dismissal of Dr. M.E. Spautz

At its meeting held on 20 May, 1980, the Council 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 and ex gratia payment equivalent to one month's salary be paid to Dr. Spautz in addition to any monies lawfully due to him.

P.D. Alexander,
SECRETARY.

The dismissal of Dr. Spautz from the Department of Commerce has been a fairly contentious issue. Reasons given for his dismissal and the accusations he himself has made are extremely controversial. A quote from the Committee of Enquiry into the Conduct of Dr. M. E. Spautz states that:

"There is no doubt that Dr. Spautz is man completely consumed by the subject matter of his dispute. The large numbers of letters, many of the same day, distributed to members of the Council and, as he threatened, blanketing the campus 'like snow', bear testimony to this preoccupation" (C.E. par. 24, p. 13).

From my meetings with Dr. Spautz, the reading of literature he has given me as well as other literature I have obtained and people I have spoken to there seems little doubt that he is "obsessed". But his claim to be "a man quite devoted to the pursuit of justice" (Partial Commentary on the Report, Document C.55:80 by Dr. M. E. Spautz) does appear to have some truth. The real questions

that have arisen out of his dismissal are,

1. Just how much has he been "consumed" by this "pursuit of justice" to the point where his "obsession" with it has lost sight of realistic perspectives, and
2. Just how efficiently have enquiries been made into Dr. Spautz's activities from an objective viewpoint.

The best way to approach these matters would be to start with the Committee of Enquiry into the Conduct of Dr. M. E. Spautz. It was decided to institute this enquiry at a meeting of the Council of the University of Newcastle on the 15 February 1980. The Committee was appointed by the Council from its own number and comprised the Hon. Mr. Justice Kirby (Deputy Chancellor) (Chairman), Professor K. R. Dutton, Mr. L. Gibbs B.E.M., F.A.I.M. and Mr. A. Oliver C.M.G., F.A.S.A.

This Committee was asked to conduct the following inquiry:

To conduct the proper inquiry into the conduct of Dr. M.E. Spautz (Department of Commerce) and to report to the Council thereon and in particular to

report:

1. Whether Dr. Spautz disobeyed instructions given to him by the Council of the University and refused to accept and obey decisions of the Council concerning him.

2. Whether contrary to decisions of the Council of the University communicated to him, Dr. Spautz continued to distribute and display letters and other material with respect to Professor A.J. Williams in intemperate language contrary to normal academic practice.

3. Whether Dr. Spautz continued to conduct a campaign otherwise than in accordance with normal academic practice against Professor Williams contrary to a decision of the Council of the University communicated to him directing that he should cease to do so

4. Whether Dr. Spautz continued to display on the door of his room in the Social Sciences building of the University, letters and other material relating to his dispute with Professor Williams, contrary to a decision of the Council of the University communicated to him.

5. Whether Dr. Spautz continued contrary to a decision of the Council of the University communicated to him to use University photocopying machines and other Office equipment for the duplication of such letters and material.

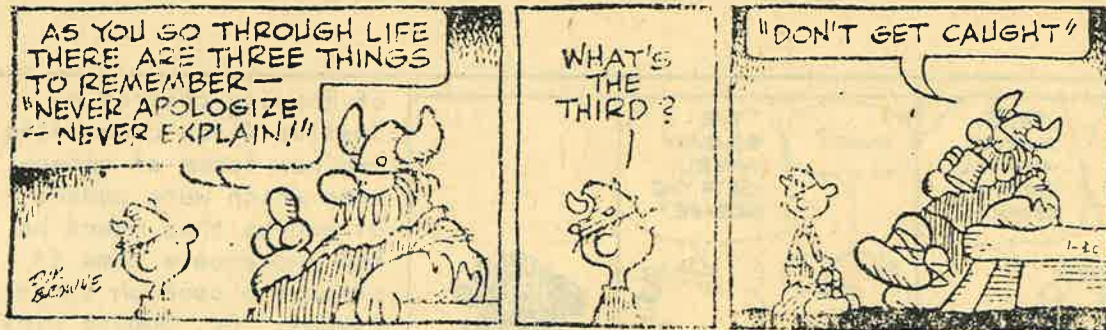
6. Whether Dr. Spautz contrary to the direction of the Head of the Department of Commerce in consultation with the Vice-Chancellor refused to agree to the relocation of his office elsewhere than in the Social Sciences Building as required by the Council.

7. Whether Dr. Spautz acted in such a way as to interfere with the research, teaching in the Department of Commerce and the learning environment of the students of that Department in that he persisted with intemperate attacks on Professor Williams contrary to normal academic practice." (C.E. Paragraph 2, p.1-2)

It was claimed that the dispute "between Dr. Spautz and Professor Williams has given rise to the events that led to the Council's resolution and to this enquiry" (C.S. paragraph 3, p.2). Spautz's reply to this was "Malarky! More likely its because the 'dispute' was threatening the Vice-Chancellor's career!" (Commentary, p.2 Paragraph 3, No.2). It would appear however that the real reason for the

HAGAR THE HORRIBLE —

By Dik Browne



inquiry chaired by Kirby was due to the incompetencies of Administration in dealing with the dispute between Williams and Spautz. Instead of immediately dealing with the dispute Administration has attempted to suppress the conflict, and in so doing have, to a certain extent, spurred Spautz onto the extremities of his conduct. It seems certain that in many aspects the conduct of Dr. Spautz was quite questionable but the failure of Administration and a previous Committee appointed by Council (consisting of Professor M.P. Carter, Chairman, Associate Professor G. Curthoys and Professor K.E. Lindgren) to look into Spautz's complaints represents a rather glaring oversight. In effect though Spautz's conduct has been in question the reasons he has stated for his conduct have not really been fully investigated

The depth of the conflict between Dr. Spautz and Professor Williams is clear in this motion -

"This inaugural administration meeting of the Management division (sic) of the Department of Commerce expresses its unreserved and enthusiastic support for its first Head, Professor A. Williams and wishes him [well] in his endeavours in his first term. We offer our full co-operation to assist him in this task.

In dissent - Dr. M.E. Spautz" (A resolution passed by the staff of the Management section, as quoted in C.E. paragraph 9 p. 7)

Dr. Spautz defends himself with the claim that at this stage (Nov. 1978) staff were not fully aware of the nature of the conflict between himself and Professor Williams, thus the motion has no real significance.

As a result of the Carter Committee a letter of instruction was sent to Dr. Spautz on the 17 December 1979, informing him that:

Council, having considered the report of the Committee, expressed its confidence in

the qualifications and ability of Professor Williams, confirmed the appropriateness of his appointment to a Chair within the Department of Commerce and declared that it recognised the value of his contribution to the work of the University.

Council has also decided that no further correspondence shall be entered into with you by the University relating directly or indirectly to any of the matters referred to in the body of the Committee's report as falling within the ambit of the dispute, except on its own initiative or that of the Vice-Chancellor.

(C.E., paragraph 17, p.10)

The lines underlined in effect represent a complete media blackout on Spautz which has been characteristic of the whole attitude to the affair of keeping things quiet. Reports on the dismissal of Dr. Spautz have been conspicuously absent from the University News due to this attitude. The censorship of the University News is cause for concern itself since it is typical of the rather clandestine attitudes of those in positions powerful enough, who desire to sweep the affair under the carpet.

Spautz himself refused to accept the communications blackout on him, stating that "I vigorously refuse to accept such a 1984 style 'decision'". This of course has been one of the major reasons for his dismissal.

A meeting by the University Staff Association on June 5th concerning Dr. Spautz's dismissal was adjourned till third term. This postponement of a decision whether or not to support Spautz leaves him virtually stranded by their lack of willingness to commit themselves. The fact that Dr. Spautz was never allowed into the meeting to speak on his own behalf seems grossly unfair. The media also were not allowed in, which is in line the constant efforts of Administration and Council to keep the issue quiet.

When I contacted Dr. Spautz he gave me the following article:

THE AL AND MIKE SHOW GOES ON (3rd June, 1980) by M. E. Spautz, Ph.D., Senior Lecturer in Management Studies.

As most informed people know, the real reason for my being railroaded is that I refused to give up my campaign for justice and to discontinue my research study into corruption in Australian Universities. All other interpretations amount to a pile of garbage!

In short, my campaign for justice consists of a demand that the University Administration and Council exercise their powers and obligations to investigate three cases:

1. The Case of the [redacted] Professor.
2. The Case of the Administrative cover-up of the Case of the [redacted]
3. The Case of the Railroaded of the Conscientious Whistle-Blower. (Otherwise known as "The Son of Orr"!)

I have voluminous documentary proof for all of my charges, almost all of which is in possession of the University. Since neither the Administration nor Council appears to intend to do their duty and conduct proper investigations of these cases (as well as several other serious scandals) I have attempted to launch a publicity campaign to call 'people's' attention to them, and have called for a Royal Commission to investigate the mis-management of this University. I have rejected Council's jurisdiction over the nature and conduct of my research study into corruption as a gross violation of my, and my students' academic freedom! (Incidentally, failure of the Staff Association to leap to my defence against this threat would only serve to prove that their Constitution, like the University's By-Laws, deserves to be printed on Kleenex and put to



some useful purpose).

Speaking of the By-Laws, informed people realise that the Council's attempt to dismiss me is bound to be overturned in Court because they have been crudely and cynically violated. My rights to receive 28 days notice before the start of a hearing, to adduce evidence, and to not be suspended before the hearing..... all of which are provided for by paragraphs 5 and 6 of By-Law 3.6.1. were violated. Furthermore, the Vice-Chancellor failed to honor his commitment to follow the steps outlined in Council Resolution 151/70 which has mainly to do with the composition of a proper hearing committee. Since the By-Laws have been violated, so has Section 22 of the Act, which empowers Council to dismiss staff members subject to the By-Laws! It is for these and other reasons that the Staff Association executive has gone on record as contending that I have not been accorded natural justice.

Although I've had trouble locating a courageous solicitor, it appears that the University will shortly be served with an injunction against my dismissal and I intend subsequently to sue the University for wrongful dismissal. I also intend to sue A. J. Williams and perhaps others as well, for defamation.

All of this is to be included in my forthcoming book on corruption in Australian Universities and of course its only the proverbial tip of the iceberg. I am also founding the A.L.O.A. (Anti-corruption League of Australia) in the near future. If you are interested in joining, please get in touch. Thank you.

RIGHT MAKES MIGHT!

Probably the 2 most important points raised by Spautz are that:

1. He has not been formally charged by the University with any offence, and
2. He was not given 28 days notice (his right, according to University By-Laws) by the Committee

of Enquiry chaired by Justice Kirby concerning two new terms of reference which were added. Of course this means he had inadequate time to prepare a case on these issues. Dr. Spautz claims it is "a euphemism to describe these two new terms of reference 'additional particulars', as the Kirby Enquiry does!" Even though it is the contention of the Committee of Enquiry that, "The particulars were not pressed and as the enquiry progressed and was conducted, they did not become important" (C.E., paragraph 4, page 3), Dr. Spautz claims that he was mis-informed about the nature of the enquiry because of them and they hampered his attempts to collect evidence for the original charges.

It would seem improper for the Council to impose such a penalty as they have on Spautz as a result of the enquiry into his conduct. If there is a case for Dr. Spautz's dismissal he should be charged with misconduct and a formal disciplinary tribunal of the University be established to hear the matter. Dr. Spautz has made many serious allegations, including that his fiancée was threatened by a young bearded man to "lay off with Spautz or else" in the

University car-park. Her failure to heed this threat and her deportation by the Immigration Department back to Malaysia soon after are suspiciously coincidental. It may be that even a disciplinary tribunal of the University would be inadequate in dealing with the implications of such allegations and completely resolving the matter.



**YOU'LL BE
"MENTAL A
ANYTHING
IF YOU GOT
THE ENGINE
RS BALL!**

HEY MAN!

activities and you

WED 18TH JUNE

One Act play in the Southern Cross
1 p.m. "DOG ACCIDENT"

THURS 19TH JUNE

Film "TAXIDRIVER"
Noon Common Room

FRIDAY 20TH JUNE

1 p.m. John McNeil in the Bar.
RALPH McTELL CONCERT with Alan Japaljari
8 p.m. Griffith Duncan Theatre

WED 25TH JUNE

UNION NIGHT WITH "RUMCULLS" and Robbery under Arms" 8 p.m. UNION

THURS 26TH JUNE

FILM 'DAY OF THE JACKAL'
Noon Common Room

FRI 27TH JUNE

TONY JOHNS in the Bar 1 p.m.
WOMEN'S COLLECTIVE DANCE WITH "HEN'S TEETH" AND 'STRAY DAGS' 8 p.m. UNION

THURS 3RD JULY

FILM
Noon Common Room

FRI 4TH JULY

1 p.m. SINGER IN THE BAR
5.30 p.m. SING FOR YOUR SUPPER

TUESDAY 8TH JULY

OXFORD DEBATING TEAM
Common Room 1 p.m.
Bar 8 p.m.

WED 9TH JULY

LUNCHTIME CONCERT "TOTAL FIREBAND"
UNION NIGHT WITH "MATCHBOX" AND "THE EYES"

THURS 10TH JULY

FILM 'WHO IS KILLING THE

GREAT CHEFS OF EUROPE'
Noon Common Room

FRI 5TH JULY

1 p.m. SINGER IN THE BAR
5.30 p.m. SING FOR YOUR SUPPER

WED 16TH JULY

LUNCHTIME CONCERT
"HARLEQUIN"

THURS 17TH JULY

FILM 'THE GODFATHER'

FRI 18TH JULY

1 p.m. LUNCHTIME CONCERT
5.30 p.m. SING FOR YOUR SUPPER

ART AND CRAFT EXHIBITION
20TH - 29TH JULY
UNION

WED 23RD JULY

LUNCHTIME CONCERT "PHOENIX"

THURS 24TH JULY

FILM 'THE DEVILS PLAYGROUND'
Noon Common Room

FRI 25TH JULY

1 p.m. SINGER IN THE BAR
5.30 p.m. SING FOR YOUR SUPPER

WED 30TH JULY

UNION NIGHT

THURS 31ST JULY

FILM 'CLOSE ENCOUNTERS OF THE THIRD KIND'
NOON COMMON ROOM

FRI 1ST AUGUST

1 p.m. SINGER IN THE BAR
5.30 p.m. SING FOR YOUR SUPPER

UNION ACTIVITIES WEEK
4TH - 8TH AUGUST

THURS 7TH AUGUST

FILM 'THE GODFATHER II'
Noon Common Room

FRIDAY 8TH AUGUST

LAST DAY RAGE