

O P U S

Newcastle University Student Press
August 87

**Mismanagement
In
High
Places**



Editorial

This publication deals with issues from the deadly serious to the totally ridiculous.

On the serious side we focus on academia and administration, not only at Newcastle University but also other Australian institutes.

We should be made aware and be concerned about the contentious issues on this campus as it is the reputation of this University that is smothered across the all valued degree.

Why is their a cloak of secrecy on campus?

The age old practice of keeping students in the dark on issues which in effect bring disrepute to this institution is, to choose a soft word, impolite. To describe it adequately you would not stop short of calling it pig ignorance. The days of covering over what are genuine issues which need public debate can no longer persist. The administrators must admit that there are problems within this body which need immediate attention before all credibilty is lost.

One academic commented that whilst at conferences colleagues come up with a big grin and ask "What are 'they' getting up to in your neck of the woods, this time?"

A number of academics I have spoken to tell of a wide spread fear amongst academic staff of 'speaking out' because of the repercussions which would jepodise their position.

The malignancy of incompetence must stop.
There is the need for debate and the democratic right to freefom of speech .

The Vice Chancellor has announced plans for the new campus residence, International House. This residence, as the name suggests will be 50% Australian students and 50% Overseas students and will ultimately cater for one hundred and fifty students. This is accomadation that the majority of students cannot afford and again seems all to little, to late. The immediate need for low costs, well located, (preferably near public transport) is a problem that will not go away and unless addressed will only continue to worsen. The Vice Chancellor who supports International House also supports the introduction of full fee paying overseas students. Rather rhetorical and discriminating.

I hope you find some interesting reading.

Kevin Guy
Editor

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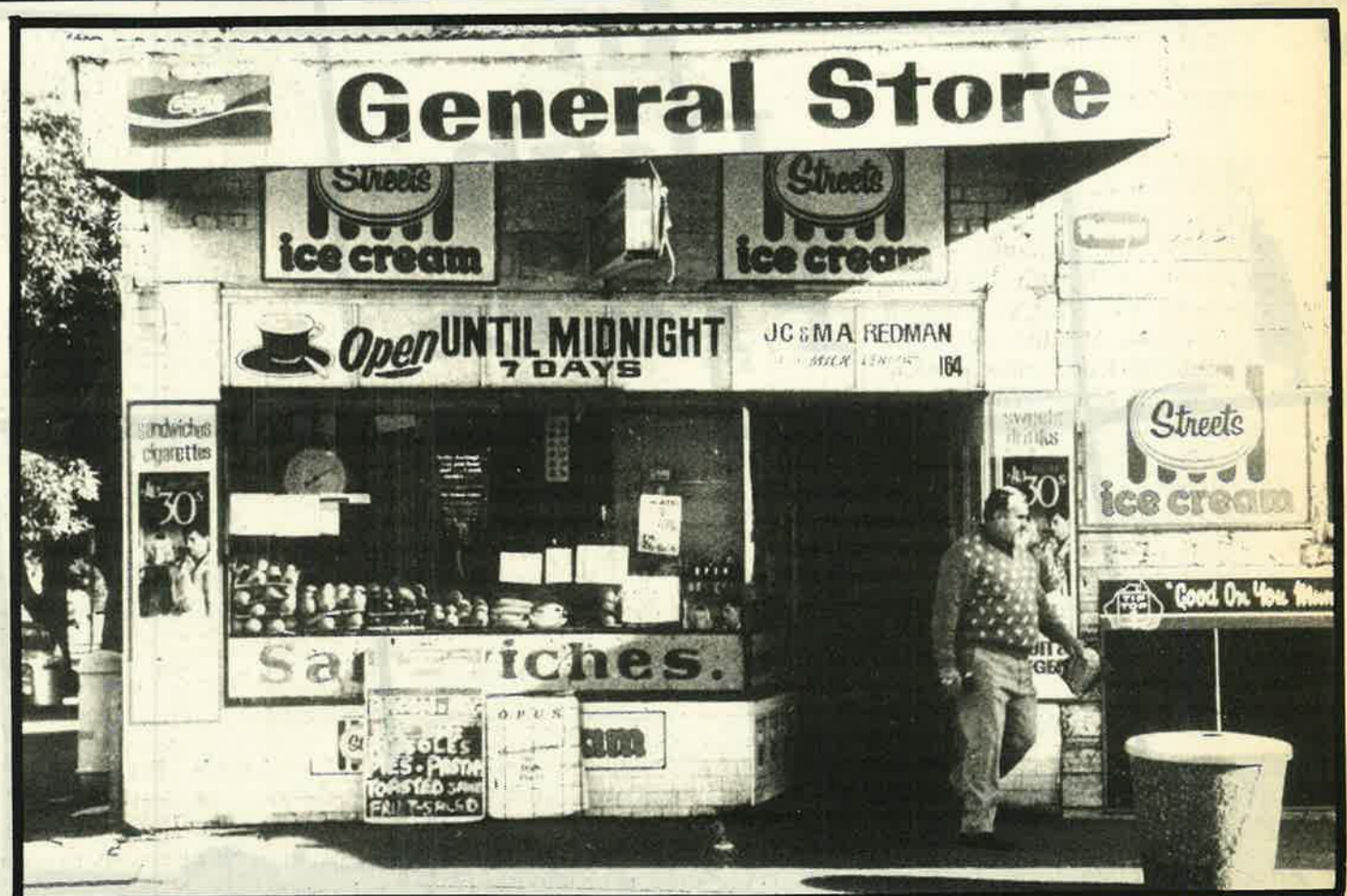
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Exploiting the academic peons

Academic exploitation - a superior benefiting in some way from the work done by an inferior - is one of the seamier sides of academia, something seldom discussed or even acknowledged.

For academics, credit for research work is important. It buys jobs, promotions, grants and prestige. It is a severe blow to have someone else take all or a share of the credit for original ideas, painstaking data collection or carefully developed arguments.

The most blatant form of stealing credit is plagiarism, something much more common than is recognised. Closely related to this is the faking of results, which claims credit where none is due. This too is surprisingly common.

One form of academic exploitation is the taking of credit for work done by someone else. Another is to pressure a subordinate to do a certain kind of work or to work in a way that allows the superior to benefit. The exploiter's power in the relationship makes it possible to use implicit or explicit threats or reprisals - for examples, bad recommendations - to deter objections.

Some examples I have come across in the past decades (names have been changed):

* Paul had recently completed his PhD, and, in collaboration with his supervisor, had written several papers based on his thesis. They passed one paper to the Professor and Head of the Department for his comments. The Professor added one sentence to the paper - plus his name as third author.

* Wing was a student from a Third World country studying for a PhD in Zoology at a major Australian University. Dr Williams, Wing's supervisor, although knowing beforehand of Wing's research interests, had invited Wing to Australia to work on various projects in a different area. These were unsuitable in themselves as thesis projects but closer to Dr Williams' own interests. When Wing found that Dr Williams' projects were not working out, Dr Williams would not listen to any comments. Eventually a confrontation took place. After this Dr Williams was very hostile, and tried various ways to sabotage Wing's progress - complaining to the Head of the Department and the Dean, interfering with Wing's research, not reading carefully the draft of Wing's thesis, writing poor recommendations for Wing's applications for post-doctoral positions.

After considerable difficulty, and a very trying time psychologically, Wing received his PhD, having obtained valuable support from other members of the Department.

* Joan worked as an assistant to Dr Smith, the Head of the English Department at a small Australian tertiary institution. Dr Smith did not bother keeping up with the latest writing in his field, but instead had Joan do the reading and write summaries for him. When Dr Smith did write a paper, Joan would spend long hours with him pointing out inadequacies and bringing him up to date. She would also track down references for the paper and sometimes rewrite parts of it. For this she never received any credit.

Dr Smith enjoyed the company of young women, and this was one reason for the long hours of discussion with Joan. He asked her about her private life, used physical expressions of affection, and eventually reached the stage of overt sexual proposition. At this, Joan decided to leave. She later found that he had exploited many female assistants and students over the years in a similar way.

* Elizabeth worked as a technician under Dr Jones in a Chemistry Department at a major Australian University. She designed most of the experiments and did all the work setting them up and running them. Yet Dr Jones tried to take all the credit; visitors to the lab would leave with the impression that Elizabeth only washed the glassware. This continuing exploitation greatly annoyed Elizabeth and was aggravated by a sexual approach. (Postgraduate students under Dr Jones were similarly treated.)

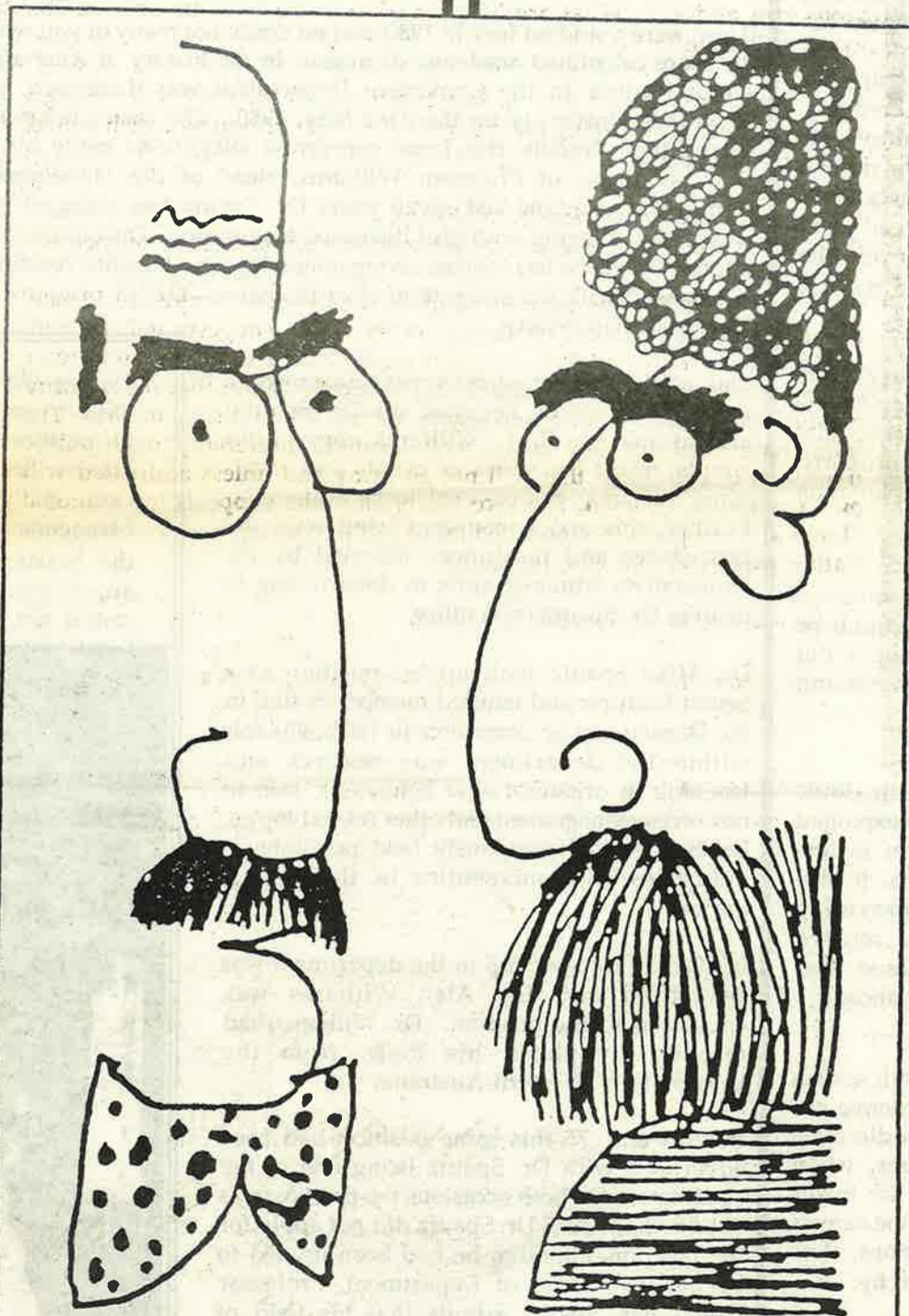
Elizabeth insisted on her rights, for example by putting her name on publications, but could only overcome some of the exploitation. She was driven to leave the lab, the University and science.

* Penny was an Australian student working temporarily at a major United States University under Dr Brown, a high flying sociologist. Dr Brown would toss off ideas, and Penny would be sent off to research them and write papers. (Often Penny found that the ideas were useless.) On one occasion Dr Brown wanted to put himself in the good graces of a grant administrator, Dr King, and used one of Penny's departmental reports. The authors were listed as Brown and King.

* Alex was a researcher in biochemistry at a major scientific institution. Dr Wilson, Alex's superior, was an eminent scientist who sat on many panels and

advisory boards. For one report to a panel, Alex did almost all the work and writing. Modestly he left his name off the paper, thinking that Dr Wilson would surely list him as at least co-author. But Dr Wilson presented the paper as his own without comment.

How common are cases of this kind? It is impossible to say because there have been few investigations. However, some types of academic



"Haven't published a thing all year, Meepstead. Damned researcher's got a writing block."

exploitation seem to be quite common. For example, many academics know of instances where academics in positions of power have claimed joint or sole authorship of research papers to which they have contributed little or nothing. A frequent case of claiming undue credit for the work of subordinates is when supervisors of advanced degree students become joint or sole authors of what is meant to be original work of their students. In 1973 Ron Witton wrote about this form of exploitation in the *Australian and New Zealand Journal of Sociology*, but his examples were deleted because of a threat of legal action by one of the academics mentioned.

Why is academic exploitation so little studied? One reason is that it is obviously not in the interests of the exploiters to expose the practice and they are usually able to prevent exposure by the implicit or explicit threats of bad recommendations or defamation suits. Second, exploitation contradicts the honest, scrupulous image of academics promoted for public consumption; even academics who oppose exploitation are hesitant to disrupt the smooth running of the system. Third, studying exploitation does not fit easily into any academic discipline or specialisation: no-one sees it as their professional duty to investigate it. Finally, some forms of academic exploitation are so common that even the exploited accept them as part of the natural order.

Clearly, professional responsibility and standards are not enough to keep some academics on a sound ethical course. But because academics are assumed to behave properly, there are few avenues for exposing exploitation and obtaining justice.

Tenured academics have some protection against exploitation, since they cannot be easily dismissed in reprisal for opposing it. But those most open to exploitation - students and assistants - have no such protection.

Exploitation is obviously tied up with hierarchy in academia. Most of those exploited are in junior positions. Exploitation is one symptom of these power differences. It also reinforces power differences, by providing credit to those who already have a relative surplus and removing credit from those who have the least opportunity of getting ahead.

Exploitation is also closely tied up with sexism and racism. The upper levels of academia are predominantly staffed by white middle class males. Women and racial minorities, when found in academia, are usually at the lower levels. Their work is used to further the careers of those already in privileged positions, thus maintaining and justifying the hierarchy.

All this suggests that the reputations of many academics who produce large amounts of research, especially if they have many subordinates, should not be accepted uncritically. It would be unwise to accept publication and citation counts as reliable indicators of research ability.

Brian Martin
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First published in *Australian Society*, October 1st, 1983

Gangbang of a conscientious whistleblower

If you were a student here in 1980, and no doubt not many of you were, you would have witnessed one of the more celebrated academic dismissals in the history of Australian Universities. Dr. Mike Spautz, a senior lecturer in the Commerce Department was dismissed, after only three days notice, from Newcastle University on the 23rd May, 1980. The issues behind the Spautz affair are complex and frustrating. Initially this issue concerned allegations made by Dr. Spautz on the validity of the Doctoral thesis of Professor Williams, Head of the Management section in the Department of Commerce. For the last seven years Dr. Spautz has engaged in an ongoing legal battle with the University, alleging wrongful dismissal from office. During this time, and after a period of wrongful imprisonment, he has been receiving unemployment benefits, residing in a Housing Commission unit and is obsessed with the struggle to clear his name. *OPUS* presents the case of Dr. Mike Spautz versus Newcastle University.

This article does not intend to pass judgement in the affirmative or negative on Dr. Spautz' allegations on Prof. Williams thesis, but simply relays the series of events and raises some questions which need to be addressed. Further, this article concerns itself with the procedures and resolutions adopted by the University's administrators in determining to dismiss Dr. Spautz from office.

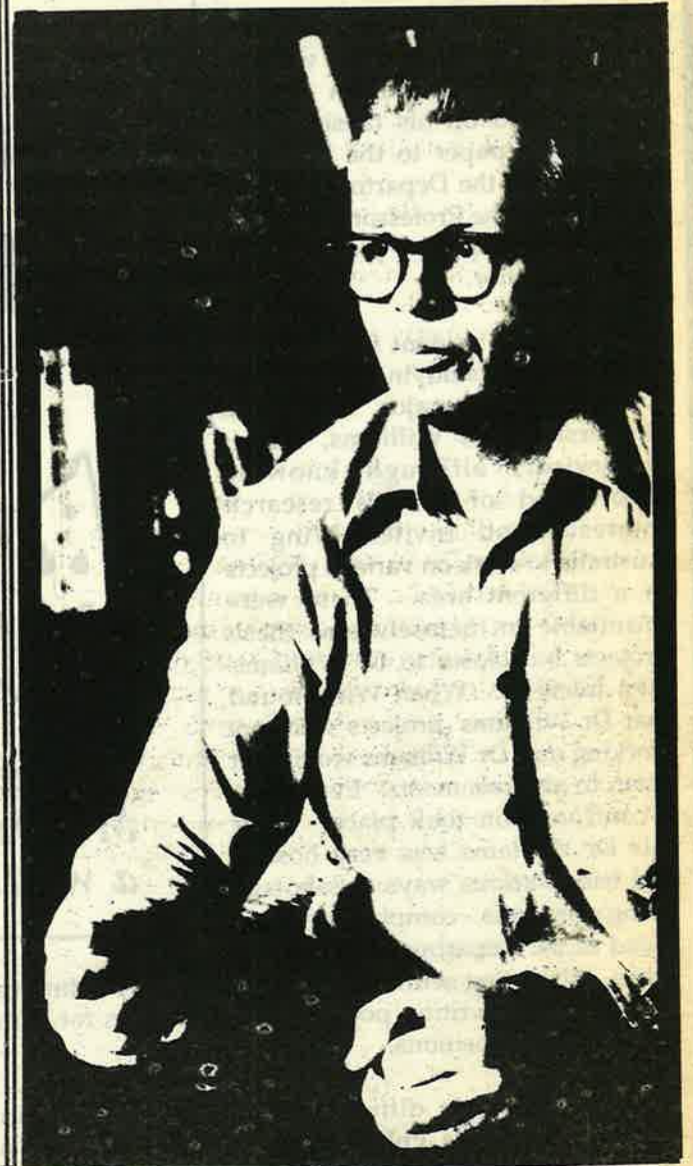
Dr. Mike Spautz took up his position as a Senior Lecturer and tenured member of staff in the Department of Commerce in 1973. His role within the department was research and teaching in organisational behaviour, human resources management and other related topics. Dr. Spautz had previously held positions in industries and universities in the United States.

In 1976 a Professorship in the department was advertised and Dr. Alan Williams was appointed to the position. Dr. Williams had recently completed his Ph.D. from the University of Western Australia.

In 1974 and '75 this same position had been advertised with Dr. Spautz being one of the candidates. On both occasions the position was not filled. In 1976 Dr. Spautz did not apply for the position, although he had been invited to by the then Head of Department, Professor Jager. Dr. Spautz admits that his field of study and his record of publication did not meet the requirements for this Professorship.

"For some eighteen months after Prof. Williams took up his position in 1977, the only formal relationship between him and Dr. Spautz was as colleagues in the Commerce Department and no overt problems arose between them."¹ Dr. Spautz described his relationship with Prof. Williams during this period as being quite congenial, maybe more than any other member of staff in the department.

During the latter part of 1978 the Commerce Department was undergoing a restructure with the creation of two sections, the Accounting and Finance Section and the Management Section. Prof. Williams was appointed head of the Management Section, and course co-ordinator of the Master of Business Administration, an appointment which Dr. Spautz stated he, 'could not in good conscience support.' Dr.



Dr Spautz further stated that "the way Professor Carter conducted what amounted to an inquisition, proved his contempt for the principles of natural justice."

Spautz had been informed by two junior members of staff of serious inadequacies in Prof. Williams thesis. It was at this time that Dr. Spautz questioned the validity and integrity of Prof. Williams thesis. He at first made his concerns known personally to Prof. Williams, and, with no response, informed members of the Commerce Department and finally the University administration. Dr. Spautz alleged that Prof. Williams' Doctoral thesis contained numerous passages that had been plagiarised and accused him of fraud and incompetence, stating that Prof. Williams' 'statistical analysis is spurious' and that there is reason to question the 'authenticity of the raw data base.' Dr. Spautz made available a considerable number of instances of plagiarism in Prof. Williams' thesis. Dr. Spautz requested that the then Vice Chancellor, Prof. Don George investigate his allegations and presented his evidence. Spautz informed staff on this matter through the circulation of memos. By mid 1979 Dr. Spautz had accumulated and sent to the Vice Chancellor voluminous evidence to support his allegations. During this period he repeatedly requested an investigation into his allegations in accordance with the By-laws of the University. With no action in regards to his allegations, Dr. Spautz escalated his circulation of memos to staff on this matter. "It might be argued that professional considerations should have led Prof. Williams to have responded to at least the academic content of Dr. Spautz' claims, even if they are presented in an unorthodox manner. Further it might be argued that as a Professor, and hence in a position of formal academic leadership, Prof. Williams should have done this, especially since in the absence of publications he could not readily be challenged in an academic journal. Prof. Williams did not respond in any public forum, academic or otherwise."²

In May of 1979 Prof. Carter, Deputy Chairman of Senate, interviewed Dr. Spautz about the dispute. Dr. Spautz perceived that Prof. Carter's mission was to shut him up, by telling him that his communications were, "counter productive" and that his conduct was "lemming like." Prof. Carter, Dr. Spautz claims, termed natural justice, a right for which he had been appealing, as a "cliche".

In October 1979, University Council established a committee to resolve this dispute. The Carter Committee was formed and comprised as Chairperson, Professor Carter who was assisted by Prof. Lindgren and Assoc. Prof. Curthoys. "Through a series of meetings with Prof. Williams, academic staff of the Department of Commerce, students enrolled in the MBA course...and at least initially with Dr. Spautz, the Carter Committee formulated certain proposals as to how the dispute might be resolved."³ The Carter Committee reported its findings to the December, 1979 meeting of University Council, where it expressed "its confidence in the qualifications and ability of

Prof. Williams and directed Dr. Spautz to stop conducting....his campaign against Prof. Williams."⁴ The report went on to direct Dr. Spautz "not to involve or seek to involve students, staff or officers of the University"⁵ in his campaign. The Carter Committee recommended "that Council inform Dr. Spautz that if he disobeys any direction contained in the foregoing resolutions, such disobedience may inter alia be regarded as 'misconduct' and....that the University will take such action in respect of such disobedience"⁶ This report finally recommended the suspension from teaching and re-location of Dr. Spautz to another office.

Dr. Spautz has alleged that 'during the ensuing investigation it appears that several By-laws were repeatedly violated along with sections of the Act.' Dr. Spautz further stated that 'the way Prof. Carter conducted what amounted to an inquisition, proved his contempt for the principles of natural justice.'

The Carter Committee's Report, which has a security classification STRICTLY CONFIDENTIAL, so as to prevent public viewing, contained such curious assertions as, Dr. Spautz' conduct had been attributed to, "a pathological condition of paranoia - and masochism has been suggested."

Dr. Spautz received the substance of the Carter Committee Report to Council in a letter dated 17th December, 1979 from the Secretary of the University, Mr. Alexander. "Dr. Spautz did not receive a copy of the written report to Council of the Carter Committee and therefore at that stage was ignorant of the official reasons behind the substance of this letter. Following the dispatch of the letter, an attempt was made to relocate Dr. Spautz to a room situated in a part of the University not within the physical precincts of the Department of Commerce. Dr. Spautz refused to be relocated."⁷ The penalty served to Dr. Spautz through recommendations of the Carter Committee amounted to a blackout of communications and eviction from his office, whilst severely limiting contact with his fellow staff and students about the allegations being put forward. Dr. Spautz viewed this as an invalid censure motion. Rather than accept the orders from Council, which he viewed as violating By-laws, Dr. Spautz continued with his propagation of memos, (his only means of informing staff and students of the dispute) on what he now termed his 'campaign for justice'. No longer was his campaign directed solely at Prof. Williams, for his claims now extended to include those whom he viewed as being involved in a cover up.

The University administrators were closing ranks.

"On 15th February, 1980, the University Council resolved to institute an enquiry into the conduct of Dr. Spautz, and accordingly resolved

that this enquiry be undertaken by a committee to be chaired by the Deputy Chancellor, Mr. Justice M.D. Kirby"⁸ (The Kirby Committee)

"The terms of reference of the Kirby Committee primarily concerned Dr. Spautz' continued pursuance of his campaign by various means (such as displaying material on the door of his office and using University photocopying facilities) and his alleged lack of obedience to the resolution of Council passed following the report of the Carter Committee."⁹

The Kirby Committee initially had eight terms of reference, although in a letter dated 22nd February, 1980, the University Secretary wrote to Dr. Spautz giving notice of only the first seven. These seven terms were in direct reference to Dr. Spautz' behaviour, the eighth, which the Secretary had omitted, was:

- '8. Whether if the answers to the forgoing or any of them are "yes",
a. "good cause" within the meaning of By laws 3.6.1.6 may exist for the Council to censure, suspend, ask for the resignation of or dismiss Dr. Spautz and
b. if so, what action the Council should take.' ¹⁰

Dr. Spautz asserted that the Secretary, Alexander, by deleting the eighth term of reference, had violated Council's intentions. But, "Council approved these terms of reference for the Committee 'in principle' but authorised the Chancellor after consultation with Minter, Simpson and Company, (Uni. solicitors), the Deputy Chancellor and the Vice Chancellor, if necessary 'to determine their final expression'. "It was 'discovered that the Chancellor interpreted this authorization as enabling him, upon advice, to delete reference eight."¹¹

This was the reference by which Dr. Spautz would lose his job.

The Executive of the Staff Association felt that Dr. Spautz should have been informed of reference eight. Two new items were introduced which, defined the nature of the enquiry, without giving Dr. Spautz the required 28 days notice. These brought the number of references against Dr. Spautz to ten, of which he only knew seven. Dr. Spautz stated that he was 'not informed of numerous procedural details that were essential for the adducing of evidence'. Dr. Spautz protested at the outset of the enquiry about the inclusion of these references but they were never deleted during the Committee's enquiry. Spautz said that Kirby had refused to call numerous witnesses whom he had prepared to question during the hearings. Kirby's actions violated the By-laws, in the same way that Prof. Carter had in the initial enquiry, because, 'by the start of the hearings.... he had become personally involved, and had a vested interest in railroading me because I had pointed out their earlier-demonstrated prejudices and By-law infractions and had challenged their fitness to serve on a just, open-minded and

The major problem that has been raised with the Spautz saga is the gross inadequacies associated with Administrative handling of this case

disinterested committee.' A Special meeting of Council was scheduled for the 20th May for the sole purpose of considering the Kirby Report. This was a meeting where Dr. Spautz was entitled to legal representation. However he was not made aware of this right. The Kirby Report, like that of the Carter Committee is classified CONFIDENTIAL and COPYRIGHT. Council found from the Kirby Committee Report that there was "good cause" for the dismissal of Dr. Spautz. During the Council meeting Dr. Spautz was forbidden to quote from the Kirby transcript and the presentation of his case was cut short by half. Dr. Spautz stated that the Report, 'has proven to be extremely biased, full of false, defamatory statements and innuendoes, accusations by the author(s), inaccuracies, misrepresentations, misstatements, quotations out of context, selectivity, and wrongful findings of fact based on false testimony having no probative value.'

A statement at this meeting, which took the form of a motion, issued by the Executive of the Staff Association, (of which neither Dr. Spautz or Prof. Williams were members), petitioned the Council that, "Although two enquires have been carried out which have arisen from the conduct of Dr. Spautz, it is to be noted that to this stage Dr. Spautz has not been formally charged by the University with any offence. it would be improper for the Council to impose any penalty on Dr. Spautz simply as a result of the enquiry into his conduct which has been held."¹² The Executive went on to ask for charges of misconduct to be brought against Dr. Spautz so as "a formal disciplinary tribunal of the University be established to hear the matter."¹³

This motion was overwhelmingly defeated. Therefore the dismissal was passed. Assoc. Prof. Curthoys, the Staff Association representative and Steven Date, the Students representative to Council, were the only two to vote against the dismissal motion.

When asked how he perceived the University's handling of his case Dr. Spautz said, 'it was no less than a criminal conspiracy to get rid of me for daring to expose the incompetence and/or corrupt conduct of certain persons.' Dr. Spautz detailed numerous instances of misfeasance in public office and cited this as the reason for the administrators "closing ranks" on him. Dr. Spautz condemns the findings of the Carter and Kirby Committees as 'libelous hogwash'.

The major problem that has been raised by the Spautz saga is the gross inadequacies associated with the Administrative handling of this case. Concern from the Executive of the Staff Association and individual members of staff surround the By-laws of the University and the proper procedure set for the dismissal of a tenured member of staff. "The dismissal decision, by being taken largely behind closed doors and without formal charges or a formal hearing, lacks many of the features that would be expected of a dismissal made on academic grounds."¹⁴

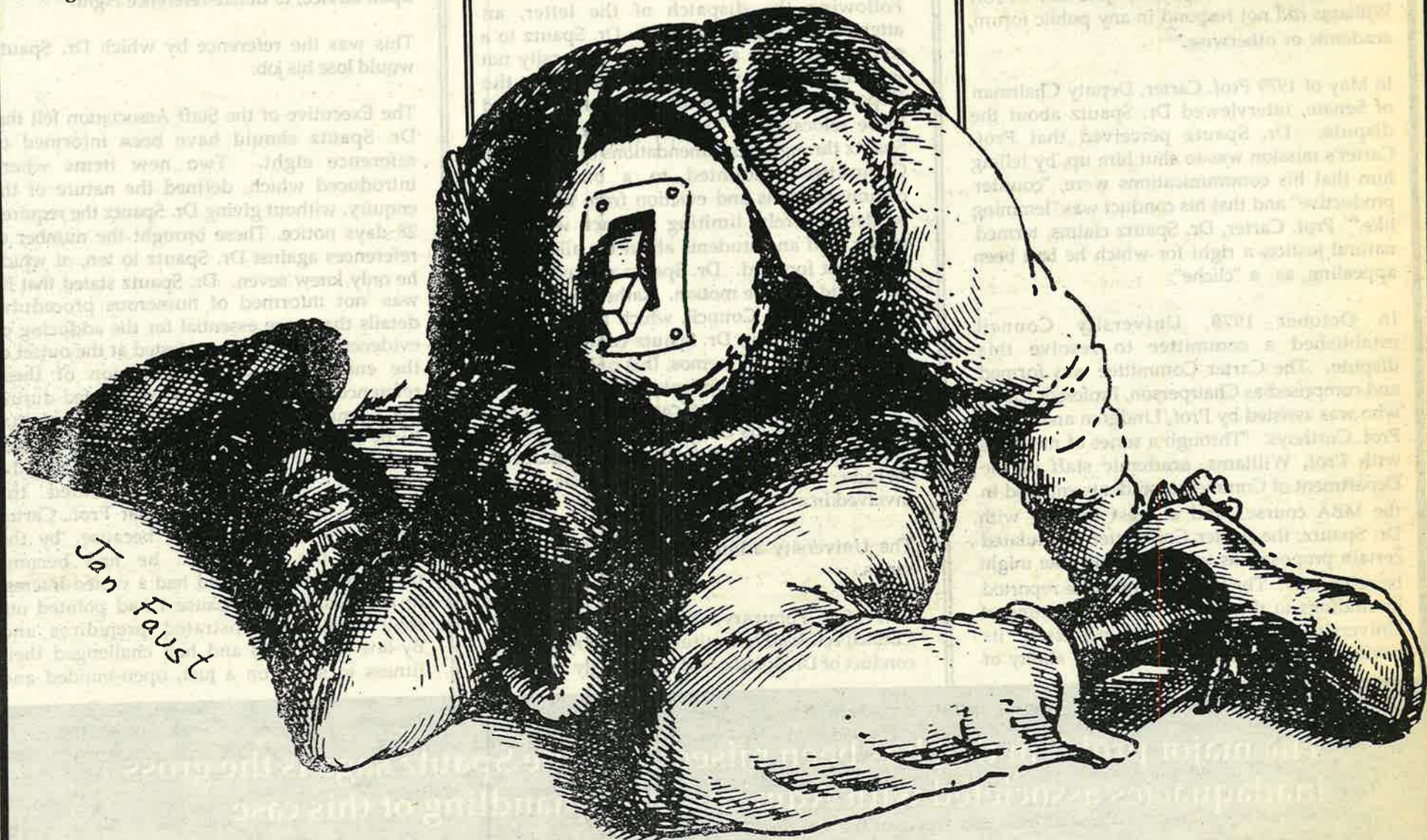
The Spautz case gives rise to many questions. Why were the committees' enquires focused on the behaviour of Dr. Spautz and not the legitimacy of Prof. Williams thesis? Why did the initial enquiry, the Carter Committee, recommend to censure Dr. Spautz for raising legitimate concerns and in effect ostracize him from the Department? Why do the University's legal advisors apparently think that the best way to deal with this matter is to attempt to deny Dr. Spautz access to the courts by having him declared a vexatious litigant? Why has Dr. Spautz received five legal aid grants while the University's legal bill has been conservatively estimated at \$400,000? Why has the Executive of the Staff Association recommended that the University "alter the By-laws which govern academic staff discipline".... and ask "that as a matter of

justice, Dr. Spautz ought to have been given a full and effective opportunity to defend himself on an official charge of misconduct before a body constituted as a quasi-judicial tribunal?" Why has academic Freedom of Speech been suppressed on this campus? Do academics feel inhibited from "going public" for fear of reprisals? Why was a recent motion, put forward to Council by Prof. Tanner, to seek a settlement with Dr. Spautz, defeated by a handsome majority? These, and many more questions need to be addressed and we invite the University's administrators to do so.

Footnotes:

- 1 'Disruption and due process: the dismissal of Dr. Spautz from the University of Newcastle', *Vestes*, 1983, 26 (1) page 3 Brian Martin
- 2 *Ibid*: page 5
- 3 *Report by the Executive of the Staff Association*, Newcastle University, July, 1980 page 2
- 4 *Ibid*: page 5
- 5 *Ibid*: page 3
- 5 *Ibid*: page 3
- 6 *Ibid*: page 4
- 7 *Ibid*: page 4
- 8 *Ibid*: page 4
- 9 *Ibid*: page 4
- 10 *Ibid*: page 5
- 11 *Ibid*: page 5
- 12 *Ibid*: page 11
- 13 *Ibid*: page 11
- 14 'Disruption and due process: the dismissal of Dr. Spautz from the University of Newcastle', *Vestes*, 1983, 26 (1) page 3 Brian Martin
- 15 *Report by the Executive of the Staff Association*, Newcastle University, July, 1980 page 12

Kevin Guy



BYE BYE BIGGS

In March, 1987, Professor John Biggs resigned from his position as Professor of Education at Newcastle University. In the past year, he was involved in a struggle with the senior administration of the University regarding a decision to transfer the Diploma in Education course from the University to Newcastle C.A.E. in 1990. Dropped from on high, at the eleventh hour, without consultation with the Faculty, the decision in Biggs' view epitomised the last eight years of mismanagement of this University. Simon Walker for *OPUS* asked him to elaborate in a recent interview.

"There's been a spate of bad decisions over the past few years, and staff and students alike have suffered as a result. Some issues have even got as far as the national press, they've been that notable. Of course, any large institution has its odd blip, but here we're looking at a whole string of things, and most follow the same pattern: a problem, a long period of indecision, then a sudden decision made by one or a few select senior administrators, with minimal consultation (least of all with those most affected), and little or no published rationale or case made. Such a style is the antithesis of everything a University is supposed to stand for. The essence of academic work is to arrive at the best approximation to truth or the best decision. So you base a case on evidence and sound public argument; you invite criticism, not reject it as an impertinence."

An interesting aspect of this style of administration is the rhetoric. They tend "to speak with a neo-Thatcherite rhetoric of pain. One is enjoined to bite the bullet, to grasp the nettle, to take the hard decisions, to tighten the belt. If it hurts, it must be doing good. The planning of the University has, in the past decade, been defensive, waiting for CTEC, the CAE, the State Government - someone - to take the initiative, meantime placating 'our lords and masters in Canberra', to use a favourite phrase of Don George, with this belt-tightening minimalism. This has been the background to all our planning. No reward for productive academics and departments, just this gray minimalism. What a way to run a University!" Biggs exclaims.

He seems to have a point. If you consider the Dip. Ed. controversy, quite obviously the last people feeling any pain were the pseudo-flagellants high up in Administration.

The basic problem with the current structure, Biggs says, is that it is an oligarchy: "deliberately or otherwise, the committee structures are such that it's the same few people making all the important decisions. On committee after committee, you see the same faces, and it's been that way for years. However good these people may be as individuals, you simply can't run a University that way. Blind Freddie should be able to see that by now."

OPUS asked what were these bad decisions?

The Spautz Affair. A long time of administrative inaction then a sudden ruling by a committee of Council that unfortunately, if accidentally, revived the 'Master-Servant' interpretation of the relationship between an academic and a University Council. This interpretation was used by the University of Tasmania in 1956 in the infamous Orr Case. All academics ought to be very concerned about at least this aspect of the way the Spautz Affair was handled.



The Academic Plan. In 1982, an 'Academic Plan' for the University was produced, a major feature of this being a proposal to drop all Education subjects in the Faculty of Arts in order to trim the Education Department by five staff members (despite the fact that at that time Education was the second most under-staffed Department in the University). "The same procedures were used as in the Diploma in Education proposal. The decision, made without any consultation, was simply announced. Just like that. At least then though the Vice-Chancellor bowed to pressure from staff and students and changed that aspect of the Plan."

The Amalgamation Crisis. Biggs was on the Newcastle CAE Council in 1981-2, when the Razor Gang ordered the amalgamation between the CAE and University, and could see that the University was being deftly outmanoeuvred by the College in the negotiations. Had it not been for the change in Government in the 1983 Federal Election, the CAE, with its far more effective publicity machine and its carefully cultivated political links, would probably have won its 'equal partners' model. In this model, each side was to be represented on important committees in equal numbers, not proportionately. The casting vote on the new Council was to have been by a nominee of the State Minister... "This kind of model would have spelt disaster for the University. The late Eddie Richardson (then Principal of the CAE) insisted, on the 'equal partners' model, that the amalgamated institution would have to be a new institution with a new name: his suggestion (not so tongue-in-cheek I suspect) was the Southern Hunter Institute of Technology."

The Rose Affair. In 1984, a Professor Rose was appointed to the Department of History and was apparently misinformed about his role as Department Head. He resigned within a very few days after appointment, but his resignation wasn't acted upon for over six weeks. Whatever the merits of the appointment itself, that delay caused much bitterness, and considerable cost to the University, both financially and in repute.

Outside Earnings. For several years, the Newcastle Herald has been raising the question of some full-time academics who by moonlighting undercut the City's professional services in several areas. It was fairly clear, by looking around and doing some arithmetic, that there must have been some individuals on campus who were technically in breach of their contracts by earning more than 25% of their academic salaries, but all the previous Vice-Chancellor did was make bland statements to the press saying (a) that it wasn't happening, and (b) that if it was, it wasn't serious. (CTEC has got onto this one and it is now likely that University policy will be based on time spent not dollars earned, and such work has to be of a 'higher consultative nature').

Biggs suggest that when an institution is in a state of crisis and low morale, what social psychologists call 'group think' takes over.

The Department of Commerce Failure Rates. In 1983, two subjects in this Department had failure rates approaching seventy per cent - not in first year, but in a third year and in a coursework Masters' subject. There were several ways of handling this: the way chosen involved an apparent breach of the University's own examination regulations - which do not allow for requiring failed students to attend a six-week 'remedial' course in the long vac. Many of these students happened to be senior members of the local business community; so that attempt at face-saving wouldn't have helped relations with a very influential sector of the community.

The Diploma in Education Affair. The decision to transfer the Dip. Ed. to the College, and as a quid pro quo to take on board five CAE Masters degrees, was taken by Professor George unilaterally. Despite very strong opposition from Professor Biggs, who argued that such a move would not be in the interests of the University, the students, or the teaching profession, the decision was rammed through Council. Senate twice voted against the proposal but the Council closed ranks with the Vice-Chancellor and the Deputy Chairman of Senate. It became very clear, as OPUS reported in October last year, that the State ALP machine crucially affected the vote (Remember? It's the CAE that's favourite in those circles). In what Biggs describes as a cynical piece of opportunism the deal was that the Dip. Ed. would be traded for a bunch of vocational Masters degrees in specialist areas - such as Art, Music, Physical Education, etc. - for which the University didn't have the particular subject specialists. To cap off this ludicrous situation, the new masters courses were intended primarily for external students! The minor detail that this University is not empowered to teach externally was simply brushed aside in both Senate and Council - Councillor Doug Huxley (yes, Principal of NCAE) offered the view in debate: "Well, if CTEC won't allow that then obviously the whole deal's off!" Well, CTEC hasn't yet approved external teaching at this University, so is the Dip. Ed. deal off, or is it still on? The quid pro quo, like much else about this deal, was completely phoney, with the University being the obvious loser.

The Bayley-Jones Affair. Well, that's still in process, and we don't know the outcome - except that the Visitor to the University, His Excellency Sir James Rowland, Governor of N.S.W., has recently determined that the University was in Breach of its own regulations (yet again) in not requiring the Doctoral Committee to consider the report of Miss Bayley-Jones' Ph.D. supervisor. This most unusual and (we now know) irregular action by the Administration was apparently done on outside legal advice in an attempt to avoid litigation. "But," Biggs asks, "how do you run a University? On legal advice? Or in accordance with due process and academic principle? It's not the fault of the lawyers if they point out possible risks attendant upon particular courses of action, but it is the fault of the University administrators for taking that advice to the exclusion of all other considerations."

Who is responsible for these decisions?

The buck has to stop somewhere, and although the University Council is ultimately responsible for the state of health of the institution, the Chief Executive Officer - the Vice-Chancellor - must be held accountable to a large degree. For most of the period in question the incumbent Vice-Chancellor was Don George.

Biggs emphasises, however, that the root of the problem is not due to the personal wickedness of individuals: it is structural. The present administrative structures of the University prevent a frequent flow-through of academics in key decision-making committees. There are few devices whereby affected individuals have ready input into the decisions being made about them. Key positions, such as Deputy Chairman of Senate, require an enormous time involvement as the incumbent sits on just about every important committee in the University. To stand for office, one must be prepared to effectively abandon research and teaching for years at a time and become a full-time administrator. In a small University, such people are difficult to find.

The Dip. Ed. debate highlighted another important problem: How do you resolve a conflict on academic matters between Senate and Council? And when Senate's representative and advocate on Council takes Council's side against Senate, then you do have a problem. Biggs tried to raise that very question in Senate - "And Senate didn't wish to know about it. Instead, this very important question was (I suspect deliberately) misconstrued. It was read as a personal attack on the incumbent Deputy Chairman, and in a contrived emotional outburst, a vote of confidence in Professor Carter was passed with acclamation - and we moved on to the next business."

As Biggs points out, a very similar impasse in the University of Tasmania in 1952 led to a Royal Commission, which found that the Administration

of the University was in the wrong, and its academic critics justified. The sad end to that story, however, was that the critic-in-chief, Professor Sydney Orr, was summarily dismissed - sacked without notice - by the Council, who invoked the 'Master-Servant' interpretation of the relationship between an academic employee and Council. Does this remind anyone of anything?

Biggs suggests that when an institution is in a state of crisis and low morale, what social psychologists call 'group-think' takes over. "You say to yourself, 'if things are as bad as some people say they are, then life here would be intolerable. I refuse to believe they are that bad on the evidence currently available. Meantime, public criticism can only be damaging.' Group-think doesn't discriminate between the office and current office-holders, so that criticism of current officer-holders is seen to be act of disloyalty or of mischief: one must maintain the semblance of normality. Group-thinkers thus take the moral high ground, and close ranks with authority. But if things are in fact being mismanaged that is precisely the wrong thing to do. The rational thing to do is to explore the possibility that something might be wrong. The trouble with group-think is that it is a kind of psychosis: maintaining the fiction that all's well distorts your perception of the world, to the point where group-think is likely to bring about the very thing you are trying to avoid. For example, trying to avoid amalgamation by winding down a flourishing area that attracts student numbers across the whole University seems pretty dumb to me. It's the rhetoric of pain at work: if it hurts, it must be good!"

Can the problems at Newcastle ever be rectified?

Biggs is more optimistic these days than he was a few months ago. For one thing, we not only have a new Vice-Chancellor, but one who at least has made very encouraging public noises about academic principle, and who is committed to restructuring Administration and the University as a whole. All departments have been asked to put in their short - and medium - term plans for consideration by the Planning Committee.

Has the style changed then?

Early days, but Education has lost five educational psychologists over the last couple of years, all at the rank of Senior Lecturer or above. There has been only one replacement, which leaves well over a dozen research higher degree students inadequately supervised, and large holes in a basic teaching area. The Review of the Psychology Department (we understand) was earlier this year extended to include 'reviewing the teaching of psychology across the University'; the membership of the otherwise externally composed Review Panel was augmented with a couple of familiar internal faces. This extension of the Review's brief has enormous implications for the largest single chunk of Education's programmes. Obviously, then, Education was

Doonesbury



Academic Scapegoats

consulted about the terms of reference of the review, the constitution of the Review Committee - or at least was asked to make a submission to the Review Committee ... ? You've guessed it. The same old thing. No consultation, on any of the above. Not even when it was specifically asked for.

So maybe things aren't so different after all. Only time will tell. One problem at the moment is that, as *The Australian* pointed out in connection with the Bayley-Jones Case, the new Vice-Chancellor is in a difficult position: he is currently being advised by those who were involved in the earlier decisions. Hardly a recipe for self-critical analysis, let alone significant change.

A lot of the remedy, if it needs one, is in the hands of staff and students themselves. If they are encouraged to stand for office, or even to speak out against what they perceive to be wrong or foolish decisions, perhaps they get the administrative style they deserve. Biggs discovered that, in private conversations, his perceptions of the University's problems were widely shared across the University. In public, few stood up to be counted. This is partly due to a fear of crossing authority, partly to a realistic determination of where to spend one's energies particularly with research commitments and deadlines.

"There's a strong belief amongst academics that going public is somehow bad form. But really, the whole thing about being an academic is 'publishing' - literally 'going public' on what you perceive to be the truth, and why. If you believe something is wrong, there are two ways to go. One is to close ranks for the sake of form, as if academics were bound by a public servant's code of 'loyalty'. The other is to speak out, because that way something might be done about it. And even if it isn't, then in the Great Archive in the Sky one can hope that it will be duly noted that at least someone said something."

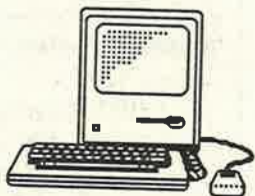
How do you feel about going public now?

"I've always felt uncomfortable about going public. When I resigned from the NCAE Council in 1983, I had a bucketful to spill, but I kept putting it off. It's not yet the right time, I kept saying. Now much of it is irrelevant - and a possible chance of learning from history has been lost. I'd have to be pretty weak not to say something about what I genuinely perceive to be problems about the University's structure at a time when they are to be reviewed."

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In the late 1960's Marlene Dixon worked at the University of Chicago. She was a prominent radical both in scholarship and in popular culture. When her position came up for renewal she was not reappointed. This was widely interpreted as both sex and political discrimination.¹

Dixon then obtained a post in the Sociology Department at McGill University in Montreal. Her Marxist views and participation in radical activities quickly generated opposition within the Department. When her position came up for renewal, an attempt was made to block her reappointment. This failed because her publication record was too good and because a number of other academics provided support against the obvious political attack.

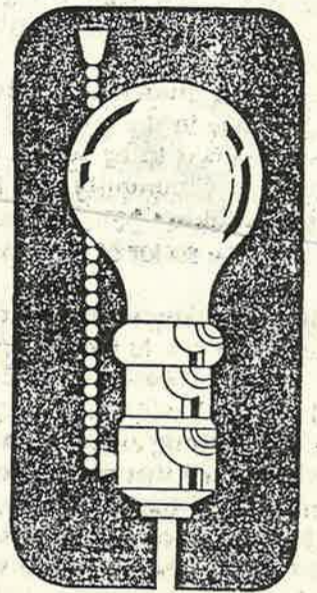
Dixon's troubles had only just begun. When formal procedures were insufficient to get rid of her, her opponents in the Department began a campaign of petty harassment. Nothing that Dixon did was well received. Her suggestions were blocked, her attempts at innovation were sabotaged, minor mistakes were blown out of proportion, her students were harassed, and vicious rumours about her were circulated. This applied not only to Dixon but to anyone else who sided with her. Eventually the harassment drove Dixon out of the Department. Other academics who left as a consequence of the campaign were radical political scientist Pauline Vallancourt and internationally renowned sociologist Immanuel Wallerstein. Prominence and performance are no guarantee against this sort of academic witchhunt.

Dixon's experiences at McGill are documented in her book *Things Which are done in Secret*,² one of the most detailed accounts of such academic machinations.

Once an academic is attacked, for whatever reason, a process of scapegoating may begin. This can happen even if the academic is formally vindicated. Instead of realising or admitting their own role in the attacks, the attackers blame the victim and launch further attacks, sometimes in most unscrupulous ways.

In Australia, the most notorious case of academic scapegoating was the horrendous attack on Sidney Sparkes Orr who was sacked from his Chair at the University of Tasmania in the 1950's. Colleagues who supported Orr were also penalised, while many of those who joined in the attack were rewarded with jobs and promotions³.

A leading official in an Australian University staff association told me that certain people in his University, who had gotten off side with key figures in the administration, would find it exceedingly hard to get ahead no matter what



they did. Their job and grant applications were given the hardest time, and even minor requests for leave were stymied.

One of the most prominent attacks on academic freedom in Australia in the 1970's was directed against Clyde Manwell, Professor of Zoology at the University of Adelaide. In 1971, Manwell and his wife Ann Baker made public criticisms of the South Australian government's fruit fly spraying programme. As a direct result of this, the senior Professor of Zoology, H. G. Andrewartha, made a complaint to the Vice-Chancellor which led to an attempt to dismiss Manwell from his post.

In the end, the complaints were shown to be trivial or false. For example, one of them concerned errors in statistics in Baker and Manwell's book on evolution - and most of the alleged errors turned out not to be errors at all. But the minor nature of the allegations belied the seriousness of the attack on Manwell. Manwell's 'crime' was to publicly question the fruit fly spraying programme in South Australia, which was backed by powerful figures in the government who had connections with people at the University of Adelaide. The case was not resolved until 1975⁴. It involved among other things a committee of inquiry, a student occupation and a court case.

Aside from the time and enormous stress involved in defending himself, Manwell's Australian Research Grant Committee research grants were cut off, in spite of his continued performance as one of the most productive researchers in the University.⁵ This is a perfect example of the scapegoat effect.

A detailed account of the Manwell-University of Adelaide case is included in the recently published book *Intellectual Suppression*.⁶ But that account was already incomplete before it appeared. A further attack on Manwell was launched after the book went to press.

In June 1985 Manwell obtained a note from his doctor stating that he was suffering from hypertension and that his teaching load should be adjusted to avoid stress. The head of the Zoology Department, Professor W. D. Williams - who filled Andrewartha's position after the latter's retirement - queried the doctor's assessment and alleged to the University Registrar that Manwell did not spend sufficient time in the Department and that Manwell's teaching load was 'by far the lightest' in the Department.⁷ It soon became clear that Manwell was expected to spend more time teaching or else dismissal proceedings might begin.



Professor Williams in previous years had never complained about Manwell's arrangements for attendance in the Department or about Manwell's teaching load. His criticisms were made only after receiving the note from Manwell's doctor. Williams' response was hardly one calculated to reduce Manwell's hypertension. The figures which Williams provided to the Registrar about teaching loads are intriguing. For the teaching of undergraduates, only formal contact hours were listed: no time was allocated for preparing lectures and demonstrations, marking papers or consulting with students. The limited total was less than three hours per student per year for the whole Department. Manwell was above average in the figures for undergraduate teaching.

The claim that Manwell had the lightest teaching load arose from the figures for supervising post graduates and fourth year honours students. Williams gave figures amounting to 100 to 200 hours per student per year.

These figures completely tipped the balance against Manwell. But the figures are misleading in several ways.

* The figures presented by Williams indicated there are 28 postgraduates in the Department. Official lists indicated only 14 or 15.

* The figures indicated that Manwell spent no time with postgraduates. That is incorrect.

(When a survey by postgraduates in the Department of time spent with members of staff was made, the figures showed Manwell close to the median. Some staff members, including Williams, received zeroes. This student effort was not well received by certain staff members.)

* The University of Adelaide officially classifies postgraduates under research rather than teaching. If postgraduate supervision were counted as teaching, it might well be considered improper for staff to put their names on papers reporting postgraduate research.

Using the method of comparison adopted by Williams himself in years past - the total number of different lectures given in a year - Manwell had the *highest* teaching load in the Department.⁸

The attack on Manwell's teaching would be laughable if it were not so serious in its implications. But then, Manwell could hardly have been attacked on his research, which stands head and shoulders above that of most others in the Department.

Williams resigned as Chair of the Zoology Department at the end of 1985. Manwell in 1986 decided to negotiate early retirement for reasons of health. Williams was reappointed as Chair in June 1986.

To determine whether someone is being unfairly attacked, the easiest procedure is the double standard check. Are there all academics, with equal or ~~more~~ performance than the person who are not being criticised? Anyone familiar with academia will know that there are quite a number of academics who do no research, who are at best mediocre teachers, or who are haphazard in their performance of the duties due to laziness, alcoholism or incompetence. When those who are excellent researchers or inspiring teachers - but who have offended the powers that be through the expression of their views - are singled out for attack, there is a good chance that a double standard is being applied. The sad thing is how many academics, who are supposed to be searchers after truth, will go along with such victimisation.



A good place to apply the double standard test is to the case of John de Castro Lopo, a lecturer in the Department of Economics at the University of Newcastle. de Castro Lopo has encountered severe difficulties and antagonism at the University over the past decade. His case is quite separate from a widely known case at the University of Newcastle during the same period, which involved the dismissal of tenured senior lecturer Michael Spautz.⁹

From 1973 to 1975, de Castro Lopo was Convenor of the University of Newcastle Staff Association's Sub-committee on Open Government. In this position, he pushed for reforms such as the right of staff to access to their personal files, for their right to respond to adverse material in their files, for the requirement that the administration give reasons for denial of promotion and other adverse decisions, for the introduction of appeal procedures against such decisions, and for the availability of information about the running of the University. Such rights are widely accepted as basic to any liberal democracy, but they do not exist in many universities. In the feudal-style hierarchies in some universities, the demand for these rights is seen as radical and destabilising rather than mildly reformist.

According to de Castro Lopo,¹⁰ in 1976 he was called in by his head of Department, Professor Clem Tisdell, and told that life would be made difficult for him unless he moderated his activities. Specifically, de Castro Lopo alleges that he was told that social pressure in the Department would be mobilised against him, that he would be given 'the treatment' by being given menial tasks, and that pressure would be put on potential examiners of his Ph.D. thesis so that it would never be passed. Tisdell was de Castro Lopo's Ph.D supervisor at the time, and as a result of this threat de Castro Lopo dropped his Ph.D. studies.

de Castro Lopo applied for promotion to senior lecturer several times, first in 1975. Each application was denied. After the third rejection, he appealed in 1979 to the University Council against this decision on the grounds of ~~reasonable prejudice~~ *reasonable prejudice*. He claimed that Tisdell, head of the Economics Department and a member of the Personnel Committee of the University Senate, had displayed bias against him.

Tisdell on his part says that he has never threatened de Castro Lopo nor discriminated against him.¹¹

The University had no official appeal procedures to deal with adverse decisions on promotion; that is one of the things de Castro Lopo had been pushing for. Council set up an ad hoc committee to look into the matter. The committee was not empowered to change the decision of the original promotion decision. But the committee did find that Tisdell had shown an 'appearance of bias'.¹² This was a hollow victory since no remedy was offered to de Castro Lopo. It was simply suggested that he apply again for promotion. So, in 1979, he applied for the fourth time. Again it was denied. Again no reasons were given. Again he 'appealed' to Council.

This time de Castro Lopo appealed on the ground that the Vice-Chancellor Professor Don George - Chair of the Senate committee deciding on promotion - had displayed prejudice against him, for example by making prejudicial comments in the presence of several members of the University Council.¹³

de Castro Lopo also appealed on the ground that unstated criteria had been used to deny promotion. The Vice-Chancellor admitted that age was a factor in denying the promotion. (de Castro Lopo was in his 40's at the time, though what relevance this has to promotion is not clear.)¹⁴ The Appeal Committee said that no objection could be made to the age criterion precisely because it was *not* listed as an official criterion for deciding on promotion.¹⁵ de Castro Lopo lost the appeal. Since then he has publicly stated that he will



not apply for promotion again.

The double standard test is useful here. While deCastro Lopo's age was held against him in at least one of his promotion attempts, a lecturer in another Department in the University, then nearly 60, was promoted.

de Castro Lopo has since initiated a case before the Equal Opportunity Tribunal, on the grounds of discrimination due to national or ethnic origin, alleging that prejudicial actions by members of the University of Newcastle have hurt the progress of his career.

de Castro Lopo on occasions has embarrassed the University administration by publicly pointing out irregularities and abuses within the University. For example, in a letter to *Newcastle University News* in August 1983, de Castro Lopo stated:

"Earlier this year the Vice-Chancellor issued a public statement in which he mentioned the existence of regulations constraining the ability of academic staff to earn income outside the University."

"I contend that the said 'regulations' are not being applied: or are being applied selectively, as is normally the case in this institution. I know of a Professor (and head of Department yet) who for over a year has been residing in Sydney, where he devotes much ... the greater proportion of his working time to the advancement of his (private) professional and commercial interests."¹⁶

The contrast here with Clyde Manwell's situation is striking. At the University of Adelaide, Manwell's position has been threatened because of allegations that he is not spending as much time in the Department with students as do other staff. At the University of Newcastle, what would seem to be a clear and blatant violation of University regulations was entirely ignored.

DeCastro Lopo's situation is a difficult one. For several years, the two consecutive heads of the Department of Economics have assigned him duties which he considers not part of the term of his employment, such as marking papers for someone else's course. de Castro Lopo argues that academics are not simply servants of their heads of departments, who can exercise arbitrary powers.

Given his previous experiences, de Castro Lopo naturally believes that many of the demands on him made by the heads of the Economics Department are part of a campaign of harassment. After he refuses these duties, a complaint is made to the Vice-Chancellor by the head. The Vice-Chancellor then writes to de Castro Lopo asking him to explain his conduct. de Castro Lopo replies. The Vice-Chancellor did not reply, nor even acknowledge receipt of deCastro Lopo's letter. Nothing further transpires until the next complaint.

It may only be a coincidence, but new staff discipline procedures at the University were proposed in mid-1985. They would allow the Vice-Chancellor to unilaterally suspend any member of staff, and provide for dismissal on the grounds of persistent neglect of duties.

There are a number of factors which make it easier for academics to scapegoat one of their colleagues. As in other occupations, in

academia it is important to include going along with 'the boys' (sic) in sports, humour or drinking. More important is not upsetting others in day-to-day interactions, which means going along with the standard ways of doing things and not rocking the boat by criticising the normal ways things are done. The insidious part of this is that one's sex or national origin may be sufficient in itself to 'upset' others in the department. Anyone can become an outsider to the academic ethos, but it is harder for women or non-British immigrants to fit in.

Marlene Dixon undoubtedly raised academic hackles by being an extremely confident and outspoken woman. Sydney Orr, who was prominent in staff criticisms of the administration of the University of Tasmania in the 1950s, was from Ireland. Manwell is originally from the United States. That may be one reason why he was not sensitive to 'proper behaviour' and spoke out about fruit fly spraying, and why so few academics openly defended him against the University of Adelaide administration. Michael Spautz, who was sacked from the University of Newcastle, is also from the United States. Frank Knopfelmacher, a prominent opponent of Soviet communism who in a famous case in the 1960s was blocked from a post at Sydney University, started his life in Czechoslovakia.

de Castro Lopo is originally from Portugal. That may be one reason why he has been so 'insensitive' as to openly criticise and challenge University procedures, or in other words to exercise what should be a right and indeed a duty in a democracy. It may also explain why so few academics have supported him against higher officials in the University of Newcastle.

One of the stated goals of the University is to encourage critical thinking and the search for truths which transcend parochial interests. The sad irony is that critical perspectives are so often discouraged in practice, especially when they bring to light unpleasant truths about the University itself.

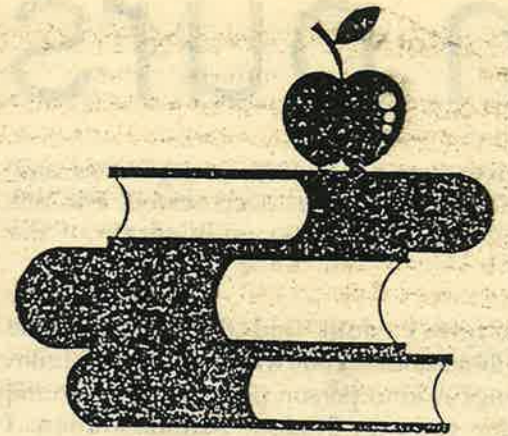
Brian Martin

University of Wollongong

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NOTES:

- 1 'Student participation in faculty hiring: the Marlene Dixon case', in Immanuel Wallerstein and Paul Starr (eds.), *The University Crisis Reader. Volume 1. The Liberal University Under Attack* (New York: Vintage, 1971), pp. 510-517
- 2 Marlene Dixon, *Things Which Are Done in Secret* (Montreal: Black Rose Books, 1976)
- 3 W. H. C. Eddy, *Orr* (Brisbane: Jacaranda, 1961)
- 4 C. M. A. Baker, 'The fruit fly papers', in: Brian Martin, C. M. Ann Baker, Clyde Manwell and Cedric Pugh (eds.), *Intellectual Suppression* (Sydney: Angus and Robertson, 1986), pp. 87-113
- 5 Clyde Manwell, 'Peer review: a case history from the Australian Research Grants Committee', *Search*, vol. 10, 1979, pp.81-86



- 6 Martin *et al.*, *op.cit.* note 4.
- 7 W. D. Williams, letter to F. J. O'Neill (Registrar, University of Adelaide), 12 June 1985; W. D. Williams, letter to F. H. O'Neill, 1 August 1985
- 8 Clyde Manwell, letter to F. J. O'Neill, 14 August 1985
- 9 Brian Martin, 'Disruption and due process: the dismissal of Dr Spautz from the University of Newcastle', *Vestes*, vol.26, no.1, 1983, pp.309
- 10 John de Castro Lopo, statement, 5 December 1985. De Castro Lopo wrote a letter to the Vice-Chancellor in 1976 with these charges, specifying that this letter was to be given to Tisdell only if Tisdell agreed to respond to the allegations in it. Tisdell declined to receive the letter on this basis.
- 11 Clem Tisdell, letter to Brian Martin; 20 November 1985
- 12 Report from the Committee of Appeal (University of Newcastle Council), 15 June 1979
- 13 Stephen Date, statement, 22 April 1980.
- 14 David W. Dockrill, 'Matters arising out of Mr J. de Castro Lopo's second appeal re failure to gain promotion to senior lecturer', *The University of Newcastle Staff Association and Newcastle Division UASANSW*, 14 April 1981
- 15 J. C. de Castro Lopo, letter, *University News*, vol. 9, no. 13, 4-18 August 1983, p.2. See Also John Lewis, 'Student union calls for inquiry into "moonlighting academics"', *Newcastle Herald*, 13 August 1986, p.12

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