

Memo to: D.W. George  
 From: M. S. Spawty, Senior Lecturer  
 Subject: Forget it!

21 May, 1980

- (see over -)
1. In reply to your letter of today, Council's request for my resignation is simply ludicrous! Of course I decline, because to resign would be a miscarriage of justice & just plain unethical! There is nothing about my conduct that would warrant voluntary departure, & in fact I contend that failure to act as I've done, and as I shall continue to do, would be grounds for resignation! You quip should resign!
  2. I vigorously dispute Council's authority to dismiss me for the following reasons:
    - a) According to By-law 3.6.1.6, dismissal can only follow a proper enquiry, which is defined in terms that require 28 days notice, which I did not receive! Shame!
    - b) According to By-law 3.6.1.5, I have the right (under natural justice) to adduce evidence, a right that was subverted by means of the communications blackout imposed on 17 Dec 79, which is still in force! Struth!
    - c) The V-C failed to honor his commitment to follow Resolution 151/70, which has never been rescinded or superseded! Tsk, tsk!
    - d) Common law dictates that no person may be deprived of his livelihood without due process, which requires a formal statement of charges, a proper investigation of those charges, and a conviction. As none of these requirements have been met, a dismissal notice would be invalid, illegitimate, actionable in the courts, and above all, unethical! Betcha!
  - cc Members of Council, Members of the Legal Studies Dept.,  
 Executives of the Staff Association, & Selected Others. (Over)

12-8-81  
18-8-81  
pm 6-8-81



THE UNIVERSITY OF NEWCASTLE

NEW SOUTH WALES, 2308

FROM THE VICE-CHANCELLOR AND PRINCIPAL:  
PROFESSOR D. W. GEORGE

Telephone (049) 68 - 0401

21 May, 1980.

Dr. M.E. Spautz,  
DEPARTMENT OF COMMERCE.

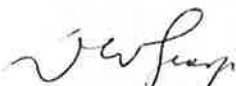
Dear Dr. Spautz,

I write to confirm the resolutions of Council made at its meeting on 20 May, 1980, which were conveyed to you at that meeting, namely -

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.

I shall write again as soon as I am able to inform you of details of the actions I require you to take as a result of these decisions of Council and of the payments you will receive under 2.(c) above.

Yours sincerely,

  
D.W. George,  
VICE-CHANCELLOR.

(over)