



IN VITA VERITAS  
THE UNIVERSITY OF NEWCASTLE  
NEW SOUTH WALES, 2308

DEPARTMENT OF COMMERCE

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FAX

6 January, 1981

Mr. Paul Landa  
Minister for Education

Dear Mr. Landa:

On 18 & 24 December, Mr. Grimshaw acknowledged receipt of letters from me, but did not specify their dates. Presumably they were dated 1 Dec(g) & 10 Dec(a). I also wrote to you on 23 Dec(b), requesting you to look into additional matters.

This letter and the enclosure expand on the one dated 10 Dec(a), which requested investigations of numerous alleged infractions of the University of Newcastle Act and By-laws. You can expect to receive additional such expansions in the near future, as they are produced.

The enclosure, which is entitled "Violation of Section 23 of the University of Newcastle Act, 1964", provides a detailed chronology which, I believe, shows that for approximately two years there has been a conspiracy to violate the Act. I am prepared to support these allegations by providing you with copies of the numerous referenced documents, all of which are also in the possession of the Vice-Chancellor and others.

At least since May, 1979, I have been conducting an action research study into a rather taboo topic: academic corruption. (I am also beginning to investigate corruption in the legal profession.) Simultaneously, I have been campaigning for justice, and have widely publicized both efforts (publicity being an essential aspect of the research design). These efforts have necessitated a continual, almost single-handed struggle with the Vice-Chancellor, his co-conspirators, and their numerous supporters and hangers-on--who are understandably intent on thwarting both my research and my campaign by all possible means. (Incidentally, their counter-campaign, to obstruct justice and subvert my research, appears to contravene another section of the Act, namely, 22(1)(c), which empowers Council to act "in such manner as appears to it best calculated to promote its objects and interests".)

As you are doubtless aware, the upshot of my so-called paranoid, masochistic, obsessive campaign (to quote our local professors of sociology and law) was my (alleged) dismissal on 23 May, 1980. Is it any wonder that they failed to specify their reason(s)? (Incidentally, recent legal precedents require the specification of reasons, as I aim to prove at the upcoming injunction/declaration hearing, unless an out-of-court settlement can be reached.)

This is obviously no mere academic exercise, but a serious legal, social and political problem that bears investigation by responsible authorities. Some may even see it as a matter of international diplomacy.

Please advise. Thank you.

cc: Don George & Selected Others  
(including politicians & media  
editors & Staff Association)

Yours truly,

*M. E. Spautz*  
M. E. Spautz, Senior Lecturer

## VIOLATION OF SECTION 23 OF THE UNIVERSITY OF NEWCASTLE ACT, 1964+

According to Section 23 of the Act, "The Council may, in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution, delegate all or any of its powers, authorities, duties and functions under this Act (except this power of delegation) to any member or to any committee of its members, or to any officer or officers of the University."

The "powers, authorities, duties and functions" delegated to the Dean of the Faculty of Economics and Commerce and to the Head of the Department of Commerce are specified in detail in the Regulations. For example, one of the functions of the Dean is "to initiate and carry through such tasks as will further the interests of the Faculty in all its aspects." For another example, the Head of the Department "shall...organise the teaching and examining of candidates in courses of study offered by the Department...."

Section 23 clearly forbids re-delegation of any of the Dean's powers etc., to an MBA Course Co-ordinator, which is an unofficial role entirely lacking statutory powers etc. Similarly, Section 23 clearly forbids re-delegation of any of the Department Head's powers etc., to a Section Head, which is an unofficial role also lacking statutory powers etc.

It is the intention of this paper to show that from 1978 to 1980, there existed what amounts to a conspiracy on the part of many people to violate Section 23 by illegally re-delegating, or appearing to re-delegate, various powers etc. of both the Dean and the Department Head, to A.J. Williams, and to coerce unwilling members of staff to participate in that violation.

The importance of this exercise, aside from the duty of every citizen to resist and report to responsible authorities all illegalities and other evidenced instances of serious misconduct, is that it reveals what may be the most important reason for the (alleged) dismissal of a tenured staff member, namely the author of this paper. Since Council failed to reveal its reason(s) for so acting, it seems incumbent on them to show that this contention is incorrect.

Following is a chronological summary of the facts, as I perceived and recorded them, and as proven by cited documents.

At a meeting of the Dept. of Commerce in 1978, it was decided to informally and unofficially split the Dept. into two sections, one of which was to be called the Management Section. It was agreed that the members of each section would be responsible for arranging for their own leadership, subject to provisions of the extra-legal Constitution that was accepted by the members of the Dept.

Subsequently, there was no election held for the position of Head of the Management Section, and no one was appointed. We were only informed that Council had delegated to Williams the power to handle the finances of the Management Section-- but no other powers, such as organising teaching and examining.

On 1 Nov 78, the eight prospective members of the Management Section had a preliminary meeting for the purpose of advance planning. I went to the meeting prepared to explain my reasons for opposing the plan, and in particular for opposing the candidacy of Williams, whom I considered to be poorly qualified and an unwise choice for a leader, to say the least. (For one thing, I had been informed that our MBA program was a laughing stock at AGSM, because of his poor reputation resulting from the invalidity of his thesis.) I also had serious reservations about the legality and wisdom of the proposed sectionalizing of the Department, as did others. However, I was not allowed to speak my mind, because Williams had turned my colleagues against me with a diatribe of false and defamatory accusations designed to destroy my reputation and/or credibility (most of them being apparently ignorant of the reasons for my opposition to Williams, as I had tried to contain the scandal and had informed no one). Thus, Williams emerged from that kangaroo court with a phony, engineered vote of confidence from the others, with my name alone recorded in dissent.

On 13 Dec 78, after the exams were over, I wrote to Williams, warning him of my intention to oppose his candidacy for section headship, and advising him to voluntarily withdraw. He never did respond in writing, although at a Department meeting he had earlier indicated that he was not intending to stand for that office.

About that time I also informed the Dean of my reasons for opposing Williams as MBA Course Co-ordinator. As a result, at the December meeting of the Board of Studies in Business Administration, it was decided that at the next meeting the Board would consider the principles of the election and rotation of the MBA Course Co-ordinator.

Nothing more happened for about six weeks, as most people were away, and the Head of Department declined to do anything about it, having told me that nothing could be or would be done, as the professors would "close ranks". However, I was informed by a colleague that the Vice-Chancellor knew what was going on.

On 9 Feb 79, I spoke with the newly-elected Dean, Prof. Lindgren, informing him of my reasons for opposing Williams, and suggesting that the role of MBA Course Co-ordinator be clarified and rotated to another staff member by means of an election.

On 13 Feb 79, I met with the V-C, and informed him of those same concerns. He said "I'm not convinced", so I said that I would put it in writing. He agreed to arrange a joint meeting with Williams and me (but did not mention Jager, who was Dept. Head).

On 26 Feb 79, I wrote to Williams, requesting him to call a special meeting of the Management Section, in order to explain and apologize for his 1 Nov 78 diatribe. He did not respond, and called no such meeting.

On 1 Mar 79, Williams wrote to me, falsely claiming that he had been elected Course Co-ordinator. He also asserted that Jager "has requested me to organize the associated teaching and examining duties relevant to the foregoing" (meaning "specified post-graduate and under-graduate subjects"). If true, that was apparently in violation of Section 23 of the Act.

On 2 Mar 79, I responded, pointing out my intentions of cooperating with my superiors (meaning the Head of Dept. and Council).

On 5 Mar 79, I advised the V-C of my intention to oppose Williams' candidacy for headship of the Management Section, in a brief written statement. I also met with him, Williams, Jager, and Burke (who attended as a witness), where I presented my case. The V-C accused me of concocting a "witch hunt", and requested me to withdraw my written statement. I declined, and subsequently issued a longer version. (I did not at that time cite the violation of Section 23 of the Act as one of my reasons for opposing Jager's plan to sectionalize the Dept., because I did not want to get him into trouble.)

On 6 Mar 79, the V-C wrote to me: "Prof. Jager made clear to you at our meeting, the nature of the administrative duties he has delegated to ... Williams." (Note that this statement misrepresents the situation, as the delegated duties were not merely "administrative", but included the organizing of teaching and examining.)

On 19 Mar 79, the V-C wrote to me, in effect accusing me of disruption, apparently for refusing to acknowledge the legitimacy of Williams' usurped authority.

On 29 Mar 79, as recorded in the minutes of the meeting of the Board of Studies, "The Dean outlined the restriction on the duties of a course co-ordinator imposed by the regulations...." He went on to acknowledge that the post had no statutory authority, and said that he had approached Williams about the appointment thereto. (During the Kirby tribunal hearings, Kirby argued that this constituted appointment, in which argument he was supported by Williams and Dutton; this debate was captured on my own tape recording, and can be verified on pages 384 to 388 of the official transcript.)

On 2 Apr 79, Williams issued a memo addressed to all MBA and Diploma students, especially inviting those in my subject Research Project to consult with him on problems related thereto. He did this without my knowledge or consent, and even failed to send me a copy. He used the titles "MBA Course Co-ordinator" and "Head, Management Section", by way of authority. I saw this as an unauthorized and unwarranted attempt to interfere with my duly-assigned classroom duties.

On 3 Apr 79, Williams wrote a secret letter to the V-C (one of several such letters, which I only learned about on 12 Mar 80, in preparation for the Kirby tribunal enquiry). In it, he stated that I was completely rejecting his authority in those two roles, adding that "This rejection and his consequential actions have caused much confusion and frustration among students & staff." He also complained about my "refusal ... to accept the facts that I have been allocated specific duties & responsibilities as Head of Management Section and as MBA Course Co-ordinator." Here he was obviously referring to those duties etc. that had been illegally re-delegated to him, since those were the only ones concerning which I was rejecting his alleged authority. For example, I never did reject his financial delegations.

On or about 4 Apr 79, Jager issued an undated announcement (jointly with the Dean) which stated that "... Williams' responsibilities include organisation of the relevant teaching and examining duties in those subjects which may be described as being in the Management, Quantitative and Computing areas." Clearly, this was in direct violation of Section 23 of the Act.

In that same undated announcement, Lindgren stated that Williams had agreed to be MBA Course Co-ordinator, and listed six of Williams' "responsibilities", but then contradicted himself with the statement: "I retain responsibility for the duties undertaken." Doubletalk notwithstanding, this clearly was inconsistent with the Regulations, and violated Section 23 of the Act.

On that same day, Jager wrote a secret letter to the V-C, stating that I had been "questioning ... Williams' authority in matters I have clearly delegated to (him)." He enclosed a copy of that undated joint announcement.

On that same day, I wrote to the V-C and to the Dean (with copies to Williams, as usual), protesting against Williams' actions of 2 Apr.

Lindgren responded at once, asking me to "act consistently with ... Williams' free performance of his duties as MBA Course Co-ordinator".

On 11 Apr 79, the V-C wrote to me, accusing me of misconduct for persistently challenging Williams' authority in his two unofficial roles, refusing to accept him as Section Head, persistently questioning his decisions, and threatening to "degrade or undermine his professional standing in the University" (all of which were attributable to my refusal to participate in the violation of the Act and Regulations!). Incidentally, in accusing me of misconduct, the V-C exceeded his statutory authority, and ipso facto became my accuser, thereby disqualifying himself from later sitting in judgement on my conduct--as dictated by the principles of natural justice.

On 16 Apr 79, I furnished him with the requested explanations, pointing out that challenging illegitimate authority "is sometimes constructive, even ethically mandatory (e.g., as established by the Nuremberg tribunal) ... ." I also pointed out that he had goofed by accusing me of misconduct, a charge that he later tried to wriggle out of.

On 11 May 79, Williams further exercised his illegitimate powers etc. by organizing the end-of-semester exams in subjects taught in the Management Section, in a letter to the Examinations Officer.

On 22 May 79, I wrote to the V-C, protesting against this infraction--to no avail, as he never responded and apparently took no action to correct it.

On 10 July 79, I wrote to the V-C, pointing out several instances of Williams' abuse of his illegitimate authority and other misconduct. (I also sent him the first of many documents proving that Williams had plagiarized numerous passages of his thesis--which in turn was in violation of the Regulations of the University of Western Australia.) Again, the V-C almost completely ignored my complaints.

On 25 July 79, Williams again exercised his illegitimate authority by in effect assigning me to teach several subjects in 1980--and proceeded to list those subjects and others assigned to the other members of the Management Section in the brochure that was subsequently issued, apparently with the concurrence of Jager and Lindgren.

On 26 July 79, I protested to Lindgren against this infraction by Williams, as he had invoked his supposed authority as MBA Course Co-ordinator in so doing.

On 30 July 79, Lindgren replied, in effect supporting Williams' illegitimate exercising of the Dept. Head's authority, and falsely asserting that "the appointment of ... Williams as MBA Course Co-ordinator was valid ... ."

On 31 July 79, Williams wrote another secret letter to the V-C, accusing me of "disruption to my administrative responsibilities" as a result of the foregoing events.

On 13 Aug 79, the V-C wrote to me, with copies to Members of Council, referring to my alleged "personal attacks on the standing of ... Williams, and the disruptive impact this has had ... ." (Again, he acted as both an accuser and a judge.) He also wrote that he was "unable to find substance in your allegations...such as to warrant their reference to Council." Obviously, he had no intention of letting Council know that he was participating in, or at least condoning, the violation of the Act and Regulations! Or that I had caught Williams in several other serious instances of misconduct, including plagiarism and fraud!

On 27 Aug 79, I wrote to members of Council, sending copies of my 10 July memo to the V-C, and requesting them to investigate the allegations contained therein. I never got so much as a note of acknowledgement of receipt, much less a reply from anyone but the Chancellor.

On 30 Aug 79, the Chancellor responded, via the Secretary, informing me that he had advised the other Councillors not to respond, and that the V-C intended to present a paper to Council on the matter.

On 3 Sep 79(b), I wrote to the Chancellor, requesting the clarification of certain ambiguities in his letter.

On 4 Sep 79, I wrote to Williams, requesting his resignation, in order to prevent a public scandal--with copies to Members of Council and Selected Others. (On 26 Sep 79 I reissued that same memo for wider distribution, to "celebrate" the first anniversary of the beginning of the scandal insofar as my own involvement is concerned; I did this because Williams had failed to appropriately respond.)

On 7 Sep 79, the Chancellor replied, but did not clear up the ambiguities to my satisfaction. Instead, he concluded with a distinctly threatening ambiguity as to the "serious concern to the University" raised by my correspondence and comments.

On 11 Sep 79, the V-C wrote to me, stating that he would be submitting a report to the next Council meeting.

On that same day, I wrote to the V-C, pointing out that on 13 Aug he had accused me of disruption, and asking him: "Where in the Act, By-laws &/or Council Resolutions, etc., is the V-C endowed with judicial powers?" (He never responded.)

On 13 Sep 79(b), I sent copies of the above-mentioned memos dated 1 & 2 Mar 79, to the V-C, asking him several questions as to the legality of Williams' claims. (He never responded, apparently knowing that he was responsible for condoning the violation of Section 23 of the Act and the Regulations.)

On 17 Sep 79, Williams wrote another secret letter to the V-C. In para 2 thereof, he complained about my refusal to allow him to organize my exams. In para 5, he blamed an error of his own doing on my refusal to reply to a memo that I never received and never even heard of until he gave me a (forged?) copy during the Kirby tribunal hearings in March 80.

On 8 Oct 79, in another secret letter to the V-C, Williams again complained about my "refusal to abide by organizational arrangements."

On that same day, the V-C wrote his report, doc. C.109:79. In this selective and slanted account he admitted that the Sections lacked statutory authority (para. 8), but went on to state that I had "continued to dispute ... Williams' role as Head of the Management Section" (para. 13). Of course, nowhere in the report did he confess that I was correct in so doing, and that he, Williams, Jager et al. were in violation of Section 23 of the Act!

On 19 Oct 79, upon the V-C's recommendation, Council appointed a committee of enquiry consisting of Carter, Curthoys and Lindgren(!) "to report on the substance of the dispute ... (etc.)."

On 22 Oct 79, the Secretary conveyed that information to me.

On 7 Nov 79, having been alerted by Jager that something suspicious was brewing in re my examination in Organizational Behavior (the draft of which I had given to him in September), I wrote to Williams, telling him that I had cancelled the earlier exam, and was preparing a new one, and asked him to disqualify himself from further involvement in that and all future exams. Jager went along with my request that he organize the exam, and keep Williams out of it, as he was aware that it was his duty under the Regulations.

On 16 Nov 79, Carter wrote, asking whether I was prepared to discontinue my so-called "campaign" against Williams (i.e., my chronic protest against his legitimacy, as described above.)

I immediately responded that to do so would be unjust.

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On 4 Dec 79, in doc. C.128:79, Lindgren et al. wrote: "On the matter of... the legitimacy ... of ... Williams' Headship and administration of the Management Section ... and of his position ... as co-ordinator of the MBA ... the committee finds that ... Williams legitimately performs the function of Head of the Management Section on delegation from the Head of the Dept. of Commerce and that this delegation is recognized and endorsed by the Vice-Chancellor and by Council itself." (I believe that the last phrase is incorrect, as Council only gave financial delegations to Williams.) "The legitimacy of ... Williams' work as co-ordinator of the MBA course on the appointment made by the Dean ... is also beyond question." (p.5) They also declared that they had detected no justice or credence in my cause (p.7). In writing these statements, Lindgren was obviously endorsing his own violation of Section 23 of the Act, and that of his colleagues, Jager & Williams!

They went on to in effect accuse me of "obsession", "paranoia" and "masochism" (p.8).

They recommended that Council resolve to direct me "not to involve or seek to involve students, staff or officers of the University directly or indirectly in challenges to Williams ... holding the positions of Head of the Management Section ... and MBA Course Co-ordinator ... ."

They also recommended that Council resolve that disobedience "may inter alia be regarded as misconduct within the meaning of the By-laws ... ."

On 14 Dec 79, Council accepted those and other recommendations, and incorporated them into Resolution 299/79.

At that meeting, as recorded in the minutes, "Lindgren submitted that the emphasis in Council's thinking should be on the rights of ... Williams and other staff and students in the Department." (Of course, it is not recorded that he conceded that I was correct in resisting the chronic violation of the Act and Regulations, esp. since he was himself involved in that violation, and/or in a conspiracy to violate, and to condemn me for not going along with it!)

On 17 Dec 79, the Secretary conveyed that Resolution to me, in a Confidential letter.

On 20 Dec 79(a), I protested to the V-C against Williams' unauthorized involvement in organizing the 1980 teaching assignments. (He never responded.)

On 20 Dec 79(c), I wrote to the Head of Dept. (with cc's to all Councillors and several others), pointing out the illegality of his having delegated to Williams the organizing of teaching and examining of subjects in the Dept. of Commerce. (He never responded.)

On 24 Jan 80(c), I wrote to Williams, with cc's to Members of Council and Selected Others, questioning his authority in organizing the teaching as he had done. (He never responded.)

On 29 Jan 80(f), in a memo to the Members of the Board of Studies, I noted the deficiencies in Williams' role as MBA Course Co-ordinator, and refused to recognize his legitimacy in it. I pointed out that "his use of that title is clearly both illegal and unethical". (No one responded.)

On 30 Jan 80, in memos to the Dean and to Council, I again protested against Williams' illegitimacy in that role. (No one responded.)

On 31 Jan 80, at a meeting of the Board of Studies, Lindgren (the Chairman) incorrectly ruled that my challenge to Williams' legitimacy in that role was out of order because it violated a Council directive. In fact, they had exempted challenges made in accordance with "normal academic practice"--and my memo was just that!

On 6 Feb 80, in para. 8 of doc. C.10:80, the V-C recommended "that Council institute a proper enquiry into whether Dr. Spautz ... continued to conduct a campaign against ... Williams contrary to Council direction that he cease to do so ... (etc.)."

On 13 Feb 80, I wrote a memo to Council, accusing Callaghan, Carter, George, Williams and Alexander of conspiring to obstruct justice, and requesting an investigation. (I did not name Lindgren and Jager, as I had been advised to avoid alienating them and did not want to get them into trouble.)

On or about 14 Feb 80 (or perhaps it was on 22 Feb), Williams rescheduled the subject Macro-Economics & Policy into the time slot originally filled by one of my assigned subjects, and notified students that my subject Research Project might have to be rescheduled.

On 15 Feb 80, on the recommendation of the V-C, Council passed resolution 26/80, which implemented his recommendation that an enquiry into my conduct be instituted. In particular, the third term of reference was "whether Dr. Spautz continued to conduct a campaign ... against ... Williams".

On 22 Feb 80 (so he says), Williams informed students in a posting on the notice board that two of my previously-assigned subjects "WILL NOT be offered in Semester 1, 1980." He again used his illegitimate title "MBA Course Co-ordinator."

On that same day, in response to a letter of mine, Jager wrote: "I note ... that you intend to carry on with your previously allocated lecturing duties."

On that same day, the Secretary conveyed to me the "terms of reference" of the enquiry, but not the "nature of the enquiry", which the by-laws require that I be informed of at least 28 days before the enquiry. (I never did receive that information!)

On 12 Mar 80, at Kirby's direction, I was notified of two new, unauthorized terms of reference, which of course drastically changed the nature of the enquiry. One of them asked whether I had interfered with the duties of "duly appointed officers ... of the University." From the accompanying Index to the documentation that was provided along with the terms of reference, it can be inferred that this term was designed in part to find out whether I had been refusing to recognize the legitimacy of Williams' functioning in his two illegitimate roles.

On that day, I was given copies of the various secret letters mentioned earlier, which had been submitted, apparently by the V-C, as evidence to be used against me. Some had been indexed as relevant to the two new, unauthorized terms of reference, and were mainly relevant to my refusal to accept the legitimacy of Williams' functioning in those roles mentioned earlier.

During the Kirby tribunal hearings, numerous statements were made relevant to these matters. (See near the end of this paper.)

In a report to the Kirby tribunal dated 2 Apr 80, Williams complained about my refusal to recognize his legitimacy in performing the duties etc. of the Dean and Dept. Head--despite his never having been properly elected or appointed to those positions, as it was proven during the hearings. In particular, he complained about my refusals to allow him to be involved in any of my exams, or to accept official correspondence from him, stating that these refusals "represent continuing challenge to my authority delegated by the Head of the Department." (See pages 2 & 3 thereof.)

In another report to the Kirby tribunal dated 2 Apr 80, Lionel Farrell (the tribunal's unauthorized secretary, who was also functioning in violation of Section 23 of the Act!), wrote that I "was engaged in a challenge to the legitimacy of ... Williams' position ... ." (para. (4) or p. 3). He referred to my "attacks ... on ... Williams' appointment as course co-ordinator and head of the Management Section. Indeed, even during the course of the enquiry Dr. Spautz refused to acknowledge the validity of ... Williams' appointment to these positions notwithstanding the frequent references thereto throughout Exhibit A."

On that same day, I wrote to Mr. R. Cutler, Visitor to the University, requesting an investigation of these and other illegalities and unscrupulosities. (He declined to do so.)

On 10 Apr 80, I circulated a detailed rebuttal of Williams' 2 Apr report, in which I pointed out that some of the "evidence" contained therein inadvertently supported my campaign for justice! I also pointed out again that it is the Dept. Head's responsibility to organize exams, not Williams', under the Regulations.

On 14 Apr 80, I circulated a rebuttal of Farrell's 2 Apr report, in which I agreed that "I do dispute his (Williams') legitimacy."

On 21 Apr 80, Williams wrote to me, requesting "that you make available to me the grade for each student" in Human Resources Management (which I had conducted during the long vacation, for the second year in a row). Again, I saw this as another illegal usurpation of the Dept. Head's authority.

I immediately wrote to the V-C in protest, refusing to accept the memo from Williams, but indicating my intention of turning in the marks at the proper time (which I subsequently did, to Jager.)

On 22 Apr 80(c), I wrote to Jager, requesting a copy of a "note of protest" that Williams had supposedly written to him on 21 Sep 79. The protest was apparently against my refusal to allow him (Williams) to have anything to do with my exams, and over the rumored compromising of the security of one of my exams, which resulted from his illegal involvement in the organization thereof.

On 30 Apr 80, Kirby et al. issued their report, doc. C.55:80. Here are a few relevant excerpts:

- Section 9: "Council ... approved financial delegations to Williams as Head of the Management Section." (Note that they approved no other delegations, and that I have never disputed or opposed Williams' financial delegations.) They also stated that I had "declined to accept ... Williams as Head of the Management section ... ."
- Section 12: They quote an earlier letter of mine to Williams, requesting his resignation therefrom (although strictly speaking, he could not have resigned since he had never been properly appointed or elected, as was later proven).
- Section 28: They report on my written refusal "to accept such a 1984-style 'decision'" (which was Council's decision to in effect impose a communications blackout on me, which was preventing me from getting replies to my complaints about the illegitimacy of Williams' exercising the powers etc. of the Dept. Head and Dean).
- Section 31: They declare that to accept my claim to have been campaigning for justice "would be to stretch credulity."
- Section 32: They accuse me of "defying the Council's instruction", which was to not involve or seek to involve others in my challenge to Williams' legitimacy in holding those two positions and in so doing illegally exercising the powers etc. that had been delegated to the Dept. Head and Dean.
- Section 44: They in effect accuse me of "conducting a campaign against ... Williams", and go on to note that the alleged campaign included "criticism of ... his appointment as Head of Section." They conclude by again accusing me of defying Council's instruction to stop my alleged campaign against Williams.
- Sections 47 to 49: They again reject my claim that my campaign has been for justice (which was against all the illegal and unethical things that were going on with the knowledge and apparent participation of the V-C, various Councillors, administrators, and staff members; these included Lindgren, Jager, and Williams, as well as Kirby and the other tribunal members.)
- Section 67: They again note my opposition to Williams as Section Head, owing to the lack of proper authorization. But they incorrectly assert that "resolutions of the Council" were "consistent only with ... Williams being Head of the Section"--but they did not indicate what those resolutions were.
- Section 68: They take me to task for refusing to allow Williams to organize my 1979 exam in Organizational Behavior, and seem to be intent on blaming me for the resulting "potential breach of security" as a result! They even go so far as to assert that my "objection to the validity of ... Williams' appointment as Head of Section was unreasonable and in the face of plain written instructions given by competent University authorities ... ." (Here they were apparently alluding to the undated notice issued by Lindgren and Jager on or about 4 Apr 79, which was mentioned above.)

Here are some relevant remarks from my tapes and notes from the Kirby tribunal hearings. Each entry is preceded by a number which refers to a page in the official transcript of the hearings, so that my assertions and quotations can be readily verified without having to listen to my tapes or read my notes:

59. Kirby: "I think we could take it that Prof. Jager had apparently appointed ... Williams as Head."
78. Kirby identified my so-called campaign against Williams as the "principal issue" of the enquiry. (I.e., my questioning of his legitimacy.) "To which I agreed!"
101. Vanvalen (the student member of the Board of the Management Section) testified that some of our colleagues "about a month and a half ago" had been planning a "no-confidence vote against ... Williams as Section Head." (I had heard that this mutiny had been aborted because Jager had promised to make Ferris co-Section Head, in charge of academic matters; then when Ferris complied by not proposing the no-confidence motion, he was double-crossed, and did not receive the promised reward.)



115. Vlaskamp (another student witness) testified that during the first term of 1979, in the subject Research Project, I had made "attacks on Williams as course co-ordinator" (apparently referring to my questioning of his legitimacy under the Regulations).
227. In reply to a question from Kirby, Jager admitted that I had told him that I wouldn't accept Williams as Section Head (which was before his 4 Apr 79 notice, described above); and that I had refused to acknowledge that Williams had any administrative or academic responsibility in that capacity.
246. In talking about Section Head, Kirby incorrectly argued that Williams "was appointed lawfully under the rules of the University, and you didn't accept it."
246. Jager incorrectly claimed that he had seen a document that says that Williams had been elected as Section Head.
247. I stated that whatever others might have believed, "in my mind there's no doubt that he's not and never was Section Head. How can I be insubordinate?"
248. In response to a question from Kirby, Jager said that he had no doubt that Williams was Section Head.
248. Kirby asserted that "de facto, ... Williams is the Head of the Section."
248. Farrell(!) argued that "the Council itself approved financial delegations to ... Williams in that very capacity." (Note again that I never disputed Council's financial delegations to Williams.)
249. Again, I contended that Williams was never Section Head, and suggested that we ask the other section members whether they accepted him as such. (Whereupon Kirby accused me of playing a game!)
249. Jager pointed out that in document A20 (which was his 4 Apr 79 announcement), "it mentions the delegation of responsibilities and duties to ... Williams." But he admitted that it said nothing about his being appointed or elected as Section Head!
250. Jager: "I have delegated certain responsibilities and ... teaching and examining duties to ... Williams (apparently referring to his 4 Apr 79 announcement).
252. I agreed that I had "persistently challenged his authority" (note that I had never been forbidden to do so!). I also challenged the V-C's authority to appoint Williams as Section Head, as he has no such statutory powers, and to my knowledge had never been delegated such powers by the Council.
275. Dowling testified that "the Management Section legally ... doesn't exist", and went on to criticize the Uni administration for not stopping the "dispute" a year earlier. In so doing, he was apparently supporting me, but Kirby et al. did not report it in their document C.55:80.
358. Williams testified that he "had been allocated certain responsibilities" by Jager (apparently referring to the 4 Apr 79 announcement).
359. Williams stated that throughout 1979 I had engaged in attempts to countermand his allocated responsibility as Section Head and MBA Course Co-ordinator.
- 360-361. Williams stated that I had alleged that he was involved in a breach of exam security. (This was because of my refusal to allow him to organize my exams, as that duty was properly Jager's, under the Regulations and Act.)
362. Williams again stated that throughout 1979 I had challenged his "administration in those two roles"; but he denied that in so doing I had been campaigning for justice.
383. Williams asserted that he was Section Head by virtue of the Regulations.
384. Williams admitted that he had never been elected MBA Course Co-ordinator.
385. Williams admitted that that position "did not hold any statutory authority." However, he was unable to say whether he had been appointed to it or only invited.
- 386-387. Kirby, Dutton, Oliver, and Farrell seemed to be arguing on Williams' side to convince me that Williams was MBA Course Co-ordinator, despite the lack of any documentary evidence or any testimony besides Williams'.
399. Williams again complained about my refusal to let him organize my exams.
- 400-401. Kirby and others again argued that Williams had been appointed Co-ordinator.
403. Williams again complained about my refusal to let him organize my exams.
403. Kirby again supported him, suggesting that "because he wouldn't deal directly with you, there was at least an increased risk of leakage, is that the point?" (Here he was obviously referring to the alleged breach of exam security.)
405. I testified that I had handed the draft exam directly to Jager, and that I had told him: "I don't want to give it to Williams because he's not my boss."
414. Kirby quoted from Jager's 4 Apr 79 letter to the V-C, that "I told him ... Williams was Head of the Management Section." He added the opinion: "I think the doubt may only have existed ... in your head."