



Vester

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DISRUPTION AND DUE PROCESS: THE DISMISSAL OF DR SPAUTZ FROM THE UNIVERSITY OF NEWCASTLE

BRIAN MARTIN

Department of Mathematics,
Faculty of Science
Australian National University

In May 1980 Dr M.E. Spautz, a tenured senior lecturer in the Commerce Department at the University of Newcastle, was purportedly dismissed from the university.¹ He challenges the validity of that action, although it is true to say that he is no longer drawing a salary from that university. The events which led up to this are rather unusual in a number of respects, but they nevertheless raise questions of much wider significance. The discussion here is not intended to assess the merits of the case, but rather to stress some of the wider issues, which stand in some relief due to the extreme nature of the case. The major area to be discussed is the handling of disruption within a university context while at the same time maintaining academic freedom.² The considerations presented here point to the need for new or improved academic mechanisms for handling disputes and for greater participation and democracy in university decision-making.

The Case

Dr Spautz came to the University of Newcastle as a senior lecturer in 1973; previously he had held a number of university and industrial posts in the United States.

In 1976 a second professorship in the Commerce Department was advertised. The successful appointee was Dr Alan J. Williams, who has had teaching and research experience at a number of Australian secondary and tertiary institutions. Dr Williams had recently completed his Ph.D., which was awarded by the University of Western Australia in 1975.³ Dr Spautz was not a candidate for the professorial post on the occasion Dr Williams was appointed, though he had applied twice previously when the post was advertised in 1974 and 1975, occasions which did not result in anyone taking up the chair.⁴

For some 18 months after Professor 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 major overt problems arose between them. In the latter half of 1978 the Department was formally divided into two parts, the Management Section and the Accounting and Finance Section. Professor Williams was made Head of the Management Section. Dr Spautz, also in this Section, refused to accept the legitimacy of Professor Williams' new role. In the first administration meeting of the Section in September 1978, Dr Spautz dissented from a motion expressing support for Professor Williams, otherwise passed unanimously.⁵

From about this time, Dr Spautz began questioning Professor Williams' credentials, especially the validity and scholarly nature of his Ph.D. thesis. At first Dr Spautz' criticisms were mainly made privately to Professor Williams, to members of the Commerce Department and to University officials. Gradually these criticisms escalated into a major campaign, involving widespread dissemination of 'memoranda' especially to the staff of the University of Newcastle which contained strong allegations against Professor Williams.⁶

In October 1979 the Council of the University established a Committee of three professors headed by Professor M.P. Carter (the 'Carter Committee') which looked into the dispute and reported to Council in December. The Carter Committee investigated issues associated with Professor Williams' thesis and his performance in the Commerce Department, and investigated the nature and manner of Dr Spautz' campaign. All the Committee's recommendations concerned Dr Spautz' behaviour.

Following receipt of the report of the Carter Committee, Council passed a resolution, part of which was included in a letter to Dr Spautz. The Council expressed its confidence in the ability and qualifications of Professor Williams, and directed Dr Spautz to cease his campaign against Professor Williams, namely not to involve other members of the University in challenges to Professor Williams' Ph.D. or position.⁷

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.⁸

Dr Spautz persisted in his campaign against Professor Williams (which he termed his 'campaign for justice'), mainly by circulating memoranda

which attacked and impugned not only Professor Williams but eventually, various other University officers, including the Vice-Chancellor, Professor D.W. George and the Deputy Chancellor, Mr Justice M.D. Kirby.⁹

In February 1980 the Council established another committee, of four Council members headed by Mr Justice M.D. Kirby (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. The Kirby Committee found that Dr Spautz had disobeyed instructions of Council and continued his campaign. The report of the Committee was presented to Council on 20 May 1980, which that day resolved that Dr Spautz be dismissed from the staff of the University on 23 May 1980.

From about the time of his dismissal, Dr Spautz expanded the scope of his criticisms, alleging that various University officials, and later members of the New South Wales state government, were involved in a conspiracy to obstruct justice. Three years after his dismissal, Dr Spautz continues his efforts to expose what he considers the shortcomings of Professor Williams' thesis, as well as to obtain what he considers justice in relation to his own position.

The above is at best a brief outline of the events leading to Dr Spautz' dismissal. A good summary in more detail is provided by the Executive of the University of Newcastle Staff Association,¹⁰ whose account has been used and quoted above; but even this report does not attempt to address the full complexity and ramifications of the case. The aim here is not to analyse the details of the case, which has already been done to a considerable extent by the Carter Committee, the Kirby Committee, the Executive of the University of Newcastle Staff Association and Dr Spautz himself, but to highlight some issues of wider significance arising out of the case. The discussion will be general: while some of the points apply specifically to the University of Newcastle, the situation is sufficiently similar at other Australian universities and at many overseas universities to give some generality to many of the comments made.

Rules, Justice and Order

The first and most obvious issue raised by the dismissal of Dr Spautz is the lack of a suitable set of rules and procedures for handling cases of this sort. There is a great need for suitable rules and procedures if justice is both to be done and seen to be done. In particular, there seem to be no well-established criteria for deciding on the dismissal of a tenured member of academic staff, an act generally considered to be a very serious step. It is true that university by-laws provide methods for attaining dismissal as well as other results, but by-laws, by and large, do not betray a clear and unified set of principles and procedures which are or even can be understood and accepted by the university or wider

community.¹¹ From the point of view of Dr Spautz or anyone else subject to penalties via application of by-laws, there may well be both a lack of clear intent and a degree of arbitrariness of application which many would find unacceptable.

In the Spautz case this shortcoming of rules and procedures is clearly manifest in what might be called 'the battle of the by-laws'. The Council invoked the by-laws in dismissing Dr Spautz and also for many other decisions such as constituting the Carter and the Kirby Committees. It is a matter for debate whether any by-laws were violated by the University in the course of the events leading to the dismissal. Certainly Dr Spautz has claimed this on numerous occasions. A possible symptom of unease in the University administration concerning this point was a letter from the Chancellor to all members of staff, assuring them that 'meticulous attention has been paid to the requirements of the Act and By-laws under which the University operates.'¹²

Beyond the issue of whether the by-laws were violated or fully adhered to is the issue of natural justice. It can be argued, as does the Executive of the University of Newcastle Staff Association, that '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'¹³ (emphasis in the original). This is standard practice at most universities.

The Carter Committee was set up to report on the dispute and 'to seek a resolution of the dispute and the restoration of harmony within the Department of Commerce',¹⁴ not to judge Dr Spautz' behaviour. The Kirby Committee was set up to investigate Dr Spautz' conduct, but it had no formal mandate to assess whether Dr Spautz' behaviour warranted censure, suspension or dismissal.¹⁵ Although Dr Spautz was invited to participate in these inquiries, and did participate in the hearings of the Kirby Committee, such a forum would hardly seem the most appropriate basis for a decision to dismiss. Again in the words of the Executive of the University of Newcastle Staff Association, 'a person should be officially charged with an offence and so charged well in advance, before he or she is found officially guilty of that offence'.¹⁶ This point is well developed in the Executive's report, and so will not be pursued further here.

This said, the problem facing the University administration and Council was not an attractive one. They had to weigh what they saw as two contrary concerns: provision of proper opportunities for Dr Spautz (and, potentially, others) to receive a hearing and just treatment, and the maintenance of what they saw as order and the efficient carrying out of academic tasks by members of the University. For it was this latter objective that was the primary basis for setting up the Carter and Kirby Committees and

for dismissing Dr Spautz, among other actions of the Council and the administration. Dr Spautz' 'campaign for justice' was allegedly seriously disrupting the activities of the Commerce Department, not just by taking up time but by causing polarisation and emotional trauma, which of course can have serious effects on teaching and research activities.

The findings of the Kirby Committee alleged that Dr Spautz had disobeyed instructions of Council, had continued to distribute and display material and conduct a campaign concerning Professor Williams, had continued to use photocopying equipment for these purposes, had refused to be relocated and had through his campaign interfered with the research in the Commerce Department.¹⁷ The Committee's conclusions of course may be disputed. If they are accepted, the key question then becomes, do these actions constitute disruption — or violation of 'normal academic practice' — so serious that they cannot be ignored? If so, furthermore, then does the disruption have no reasonable basis? If there is no or insufficient basis, does the disruption warrant dismissal? These latter questions were not addressed explicitly by the Kirby Committee; the University Council by its decision to dismiss implicitly answered them in the affirmative.

These general considerations raise the question of the importance which should be placed on academic order compared with due process in academic institutions. There is a tendency for administrations to give undue emphasis to order, which is another reason for establishing and observing rules and procedures that ensure due process.

It should be noted that the 'order' favoured by administrations may be a qualified one. It is not unknown for administrators or senior academics to disrupt the teaching and research of subordinates, such as through excessive scrutiny or cancellation of courses, preventing or cutting off research support or funding, and through many forms of petty harassment.¹⁸ This most often happens to those characterised by administrations as 'dissidents'.

From a practical point of view, the inadequacies in university procedures and the emphasis on maintaining order appear to have aggravated the problem of Dr Spautz' alleged disruption of the academic routine in at least two ways (assuming for the moment that such disruption is normally undesirable). First there was the university administration's lack of response, or denial of responsibility, in relation to Dr Spautz' charges about Professor Williams' thesis.¹⁹ This lack of response can be traced partly to a paucity of established ways of handling academic disputes. University action of some kind at that stage might well have forestalled or diminished later confrontations.

Another factor here is what may be called 'inverse provocation'. During the entire course of Dr Spautz' questioning of Professor Williams' thesis, Professor Williams has made no public statements commenting on or attempting to refute Dr Spautz' allegations. It might be argued that professional considerations should have led Professor Williams to have responded to at least the academic content of Dr Spautz' claims, even if these were presented in an unorthodox manner. Further, it might be argued that as a professor, and hence in a position of formal academic leadership, Professor Williams should have done this, especially since in the absence of publications he could not readily be challenged in an academic journal. But Professor Williams did not respond in any public forum, academic or otherwise. Neither is there any evidence that university officials urged Professor Williams to do this. This unwillingness to respond could be seen as implicitly provocative, thus contributing to the escalation of Dr Spautz' activities.

A second way in which emphasis on maintaining order aggravated the situation was through the recommendations of the Carter Committee, which in essence ordered Dr Spautz to cease his alleged campaign. Although *a priori* such a decision might not be seen as necessarily wrong, clearly it was a decision which reflected a priority on maintaining order rather than addressing underlying issues. The disciplinary orientation of the Committee's report was extended by the directive to Dr Spautz which arose out of it, a directive which did not attempt to explain or expose the thinking behind the Committee's conclusions.²⁰ As it eventuated, this approach was counterproductive, since Dr Spautz took the decision as an attempt to impose a 'blackout' on him, and he greatly extended his 'campaign for justice' thereafter.

The issue of 'normal academic practice'

A key issue raised by the dismissal of Dr Spautz is the criterion of 'normal academic practice' which, according to the Kirby Committee, Dr Spautz had not followed. There is no doubt that beginning in the latter half of 1979, the 'memoranda' distributed by Dr Spautz extensively used 'popular language' quite atypical of 'scholarly language' which is found for example in most articles in most academic journals. The memorandum reproduced in the appendix gives a taste of Dr Spautz' style. The contrast with his attempts to publish criticisms of Professor Williams' work in academic fashion is striking. In fact, Dr Spautz quite consciously adopted a colloquial and forceful style in an attempt to obtain a hearing for his grievances, following the failures of his approaches to Professor Williams and university officials, and of his attempts to publish critiques of Professor Williams' work.²¹

Contrary to normal academic perception, there is nothing inherently unscholarly about using colloquial, forceful language. It so happens that most disputes in academic journals are carried out in measured formal language and style, whereas disputes between politicians or taxi drivers often use a rather different language and style. But the only proper conclusion that can be drawn from this is that there is an association between academic language and style and scholarly content, namely that academics are likely to use academic language (at least in academic forums),²² while non-academics are likely to use non-academic language. But it does not follow that non-academic language automatically betrays a lack of scholarly content, nor that academic language is an invariable indication of erudition.

Furthermore, it is possible to question the evolution of language expected in scholarly forums, such as journals. Many decades ago, styles were much more colloquial. Today the passive tense and the use of 'we' for self-reference by a sole author is so pervasive that some journals such as *Science* explicitly request the use of active tense and, when appropriate, first person singular. Besides reducing the expressive range of academic writing and reducing the potential interested audience, developments in academic writing styles tend to paint a false picture of the nature of scholarly inquiry, which is portrayed more as a process of deduction than a quest.²³ It is very hard for individuals to challenge contemporary editorial and communal preferences for bland writing. A more active, direct, engaging style would be seen by many as raucous and non-objective, and hence unscholarly and unpublishable.

The modern academic manner of expression may be one contributing factor to Dr Spautz being seen as the primary source of the problems in the Commerce Department, and indeed seen as such a serious source as to warrant dismissal. This is not to say that it is easy to obtain a proper perspective on Dr Spautz' prolific and extravagant outpourings. His style is very colloquial and direct even by the standard of the more blunt or jocular newspaper columnists. Even discounting the prejudices of academics over language and style, it is difficult to assess the extent to which Dr Spautz had gone 'too far' in his writings. In any case, it is difficult to doubt that Dr Spautz damaged his own case in the eyes of many academics through the style of his campaign.

The problem which Dr Spautz posed to the university administration was not only the language and style of his writings, but the fact that he had 'gone public' with his criticisms. (It should be noted that until his dismissal the 'public' to whom Dr Spautz appealed was predominantly academic staff, senior executives of the university and members of Council, and not students or the general public.) Public

campaigns to promote a point of view also are seen as unscholarly by many academics, but as in the case of language and style, this prejudice is based on usual association rather than invariable connection. While it may be true that many newspaper articles or television programmes or street corner speeches are unscholarly, it does not follow that scholarly content only resides in scholarly journals and university seminars, nor indeed that it is always detectable in those forums.

Nevertheless, a public campaign using blunt, vigorous language is widely seen by academics as intrinsically unscholarly. This perception works to the disadvantage of those who attempt to press criticisms from below. The university decision-making apparatus, dominated by professors and leading administrators, does not need publicity to carry on business as usual. Decisions are usually reached behind closed doors. Interaction with and influence on university decision-makers comes primarily through powerful individuals and groups in other parts of society, such as government and industry. University councils are living examples of this sort of interaction and influence.²⁴ When decisions are made affecting less powerful members of the university — such as junior staff or students — publicity is usually neither needed nor sought by the administration.

For a person working for change from below, the contrary situation regarding publicity tends to hold. If a change is requested which would affect the interests of the decision-makers, it often will be opposed. Even changes that would affect only one or a few leading members of the university hierarchy may be resisted by others, in the interests of solidarity. For these reasons, publicity is often a useful and powerful tool in the hands of the less powerful members of the university. For example, when students stage a sit-in of university offices to protest about housing policies, they are not informing university officials of anything not already known, nor are the students usually any real physical obstruction to normal university business. Rather, the threat posed to the university administration is publicity, both about university housing policy (or whatever the grievance) and about the breakdown of normal methods for resolving conflicts.

Therefore it is not all that surprising that Dr Spautz, a senior lecturer, resorted to publicity in pushing his case against Professor Williams. If we imagine, for the sake of argument, a professor who was intensely dissatisfied with some aspect of work of a junior member of his or her department, there would almost certainly be other channels besides publicity to vent that dissatisfaction, other things being equal (i.e. assuming a normal level of power within the university for the professor and for the junior member).

These considerations raise the question of why the Carter and Kirby Committees primarily focused on Dr Spautz' behaviour and did not formally investigate Dr Spautz' charges about Professor Williams' thesis. One important reason may be the natural tendency to focus on the person who has sought or achieved publicity: the person who is making all the noise. Such a tendency is understandable, but not necessarily justifiable in any particular case. It also runs the risk of discriminating against those lower in the university hierarchy.

Similar issues are raised by Dr Spautz' allegations concerning conspiracy and malfeasance by various individuals, which have been stated with vehemence especially since his dismissal became imminent in early 1980.²⁵ Such charges are most serious. But are they automatically more serious just because they have been made in public? (Legal implications are ignored here for the moment.) Malicious rumour, word-of-mouth defamation campaigns, and private slanders are all too common in academic circles (and elsewhere), as many would admit who have heard such personal attacks on others in the course of deciding on promotions, appointments, allocation of resources and the like.²⁶ There is an advantage held by those who can effectively slander in private: they seldom can be held responsible for the damage they may cause.

(These comments are meant simply to underline the usual disparity in power between those who 'go public' and those who can achieve their aims through less observable channels. By no means should they be taken to apply to any particular individuals, whether at the University of Newcastle or elsewhere.)

Another issue raised by Dr Spautz' dismissal is that of appropriate sanctions for violations of 'normal academic practice'. This is an area which is often unclear both in university by-laws and in policies and practices of those who administer sanctions. It seems useful to distinguish between sanctions of an academic and of a non-academic nature, which should fit transgressions of an academic and a non-academic nature, respectively. The normal academic sanction is loss of reputation, which can have ramifications in appointments, promotions, obtaining funds for research programmes and the like. Dismissal is potentially an academic sanction, if it is taken to represent banishment from the community of scholars. But this is a dubious proposition in practice, since many employed academics might reasonably be considered outside any such community (narrow specialists, for example), while many who are accepted as part of a wider 'scholarly community', as through participation in scholarly research projects or publication in scholarly journals, are employed by non-scholarly institutions or are unemployed.

Non-academic sanctions include public disrepute or disgrace (loss of public reputation), withdrawal of privileges (such as driving or voting), fines and gaol sentences. Dismissal can also be a non-academic sanction, since it deprives a person of economic resources. Obviously there is considerable overlap between academic and non-academic sanctions as well as between the transgressions which they are meant to prevent, punish, or offer rehabilitation. A given act, if thought to require application of sanctions, should be classified as academic or non-academic or a combination of the two, and treated accordingly. Thus if it were felt that X had slandered Y in a public statement with negligible academic content, then the appropriate response might be a legal action to obtain damages or apology from X. If it were felt that X had damaged Y's academic reputation through a public statement, then the appropriate response might be a rebuttal, or request for retraction, pursued through normal academic channels. In this context it may be asked whether the University should have encouraged Professor Williams to use laws on defamation if he thought he were harassed significantly.

The distinction between academic and non-academic transgressions and sanctions may be difficult to apply in practice, but the general principle seems important in assessing courses of action such as undertaken in the Spautz case. 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. If the real grounds were to do with disruption of normal organisational operation, it would have been better for this to have been spelled out clearly both in the Committees and by the Council and in the By-laws. This point was emphasised by the Executive of the University of Newcastle Staff Association.

The problem arises again of the reluctance of university hierarchies to become involved in public disputes. If academic sanctions were applied because of violation of the academic code of behaviour, then this ideally should have been done in an open, public way, namely in a way compatible with normal academic practice, in which 'truth' — or the methods used to pursue it — is considered a higher value than efficiency. Unhappily, such an ideal seems remote given the hierarchical and secretive nature of most academic organisational structures. By issuing memos, however unorthodox or unscholarly, Dr Spautz at least made himself publicly accountable for his stand. The same cannot be said for those who objected to Dr Spautz' behaviour, as the Reports of the Committees that investigated the case were confidential.

Finally, it is worth mentioning the dilemma of conflicting loyalties in university administrations and councils. One loyalty is to academic freedom, including the right of equal treatment and due process for those who present unpopular or uncomfortable opinions. Another loyalty is to organisational efficiency and stability. Since many leading university administrators spend most of their time ensuring and promoting organisational efficiency and stability, and because many members of university councils have only a minimal day-to-day contact with scholarly pursuits and values, there is a strong possibility that academic freedom will be overridden by other imperatives. This is not necessarily a fault of any individual administrators or members of council, who for the most part carry out their duties with sincere and concerned effort. Again it is the nature of the university decision-making structure that has limitations. Conflicting loyalties, and conflicts of interest, seldom can be overcome by good intentions alone; structural changes would be required. It can be argued that legislative, executive and quasi-judicial roles must be separated if principles of the rule of law and freedom are to have real meaning, and hence perhaps that channels for independent review of decisions such as Dr Spautz' dismissal be available.

Conclusion

The issue of Dr Spautz' dismissal points to serious inadequacies in established rules and procedures for handling disputes and disruption which must be rectified if justice is to be done and seen to be done. The manner by which Dr Spautz was dismissed was, at the least, most unsatisfactory. But the wider issue raised is that of how decisions are to be made about investigating the behaviour of any member of the university. On the one hand, the strictest safeguards are needed to protect academic freedom. On the other hand, if it is accepted that some sorts of behaviour warrant serious sanctions — and certainly the University of Newcastle has accepted this principle in practice — then the procedures should satisfy certain criteria compatible with academic ideals. In particular, decision-making power should not be totally in the hands of those who have formal status. If all are equal — at least theoretically — before the panels of intellectual and moral judgement, and have a role to play in those panels, then judgements about fitness to formally participate in the institutionalised community of scholars should involve all scholars, and exempt no one from scrutiny.

These considerations imply much greater participation and democracy in deciding who is to be investigated and who is to suffer sanctions, and also who is to be appointed or given tenure or promotion. At the moment these sorts of decisions lie largely in the hands of a small number of individuals at the top of the university hierarchy. To question a senior university appointment, as Dr Spautz did, is theoretic-

ally possible, but in practice is virtually impossible to achieve from an inferior position in the hierarchy, without support from above. Those in high places are not immune from attack; but the threat usually comes from above or from outside the university.²⁷ This situation is aggravated by the timidity of most academics when it comes to speaking out on any controversial issue, especially if one appears to go against the university administration, a response which may be called 'prudential acquiescence'.²⁸ At the University of Newcastle there has been virtually no public comment about the issues of Professor Williams' thesis and Dr Spautz' dismissal by members of the University.²⁹

The Spautz case, far from being over, poses a continuing dilemma to members of the University of Newcastle and others besides. From past actions, it is to be expected that the University will remain silent while Dr Spautz continues his campaign and escalates his claims. In neither case does it seem likely that this will lead to a reassessment of university mechanisms for addressing alleged incompetence or disruption or for decision-making in general.

Acknowledgements

Valuable comments were received from Ann Baker, David Blatt, Mark Diesendorf, Ko Doeleman, Clyde Manwell, Cedric Pugh, Michael Spautz, Graham Walker and others who prefer to remain anonymous.

Footnotes

1. Valuable sources of information about the Spautz dismissal case include: G.C. Curthoys et al., Executive of the University of Newcastle Staff Association, 'Report of the Executive to the members of the Staff Association on the recent dismissal of a tenured member of the academic staff of the University', The University of Newcastle Staff Association, 11 July 1980; Anonymous, 'Lecturer dismissed!', *Opus 4* (University of Newcastle Students' Association), no date (ca. June 1980), pp. 4-6; M.E. Spautz, 'How I got railroaded from the University of Newcastle for blowing the whistle on the fraudulence of Al Williams', 1 February 1981 (a). Dr Spautz has produced hundreds of documents relating to his case (a 'condensed catalog' is contained in M.E. Spautz, 'Memo', 18 June 1981). These may be obtained from Dr Spautz, 31 Scott Street, Flat 16, Newcastle NSW 2300. Contributions towards costs of reproduction would be appreciated by Dr Spautz. The case has been briefly reported in the press, for example in anonymous, 'Varsity man loses lecture post', *Newcastle Morning Herald*, 24 May 1980, p. 3, and Joyce Morgan, 'Academic to fight against sacking', *Newcastle Clarion*, 6 June 1980, p. 2.
2. The issues raised by the dispute over Professor Williams' thesis are treated in a separate article, 'Plagiarism, incompetence and responsibility: a case study in the academic ethos', submitted for publication.
3. 'Second Professor of Commerce', *University News*, 3, 3, 24 March 1977, p. 3.
4. M.E. Spautz, personal communication, 29 April 1981; Executive of the University of Newcastle Staff Association, op. cit., note 1, paragraph 2.

5. *Opus 4*, op. cit., note 1, p. 5.
6. Executive of the University of Newcastle Staff Association, op. cit., note 1, paragraph 4.
7. Executive of the University of Newcastle Staff Association, op. cit., note 1, paragraph 5.
8. *ibid.*, paragraph 7.
9. *ibid.*, paragraph 8.
10. Executive of the University of Newcastle Staff Association, op. cit., note 1.
11. University of Newcastle By-law 3.6.1.6 contains the following:
 - (1) The Council may after proper enquiry censure, suspend, ask for the resignation of or dismiss any Professor for good cause ...
 - (3) 'Good cause' in this By-law means —
 - (a) negligence or inefficiency in the performance of his duties as a Professor;
 - (b) conduct which the Council shall consider to be such as to render the Professor unfit to continue to hold his office ...
12. Bede Callaghan, Chancellor, letter to members of staff of the University of Newcastle, 11 June 1980.
13. Executive of the University of Newcastle Staff Association, op. cit., note 1, paragraph 27.
14. *ibid.*, paragraph 5.
15. Under the original terms of reference such an assessment was included, but the eighth and final term of reference was deleted by the Chancellor, an act whose authorisation may be disputed. This matter is treated in detail in *ibid.*, paragraphs 10 and 11.
16. *ibid.*, paragraph 27.
17. *ibid.*, paragraphs 8 and 12.
18. See for example C.M.A. Baker (ed.), *The Fruit Fly Papers* (Committee of Concerned Scholars, c/- The Secretary, the Old Barn, Normanville SA 5204, Australia, 1973), p. 11.
19. Martin, op. cit., note 2.
20. Executive of the University of Newcastle Staff Association, op. cit., note 1, paragraph 7, quoted above.
21. M.E. Spautz, personal communication, 29 April 1981.
22. In private conversation, academics can be as unscholarly and earthy in style as anyone else. See the examples in Ian I. Mitroff, *The subjective side of science: a philosophical inquiry into the psychology of the Apollo moon scientists*, Elsevier, Amsterdam, 1974.
23. P.B. Medawar, 'Is the scientific paper fraudulent? Yes; it misrepresents scientific thought', *Saturday Review*, 1 August 1964, pp. 42-43.
24. Thorstein Veblen, *The higher learning in America: a memorandum on the conduct of universities by business men*, B.W. Heubsch, New York, 1918; David N. Smith, *Who rules the universities? An essay in class analysis*, Monthly Review Press, New York, 1974.
25. See for example M.E. Spautz, '1984!', 26 May 1980.
26. Michael J. Mahoney and Terrence P. Kimper, 'From ethics to logic: a survey of scientists', in Michael J. Mahoney, *Scientist as subject: the psychological imperative*, Ballinger, Cambridge, Massachusetts, 1976, pp. 187-193; Brian Martin, 'The scientific straight-jacket: the power structure of science and the suppression of environmental scholarship', *Ecologist* 11, 1, Jan/Feb 1981, p. 38.
27. W.H.C. Eddy, *Orr*, Jacaranda Publishers, Brisbane, 1961; A.P. Rowe, *If the gown fits*, Melbourne University Press, Parkville, 1960.
28. Joseph Haberer, *Politics and the community of science*, Van Nostrand Reinhold, New York, 1969. See also George Williams, *Some of my best friends are professors: a critical commentary on higher education*, Abelard-Schuman, New York, 1958, p. 52: 'At least 90 per cent of all university professors [meaning here members of academic staff] are timid men, personally, mentally, and morally. The typical professor is in continual dread of antagonizing, irritating, or disturbing 'the administration'.'
29. The most obvious exceptions are the article in *Opus 4*, op. cit., note 1, and Executive of the University of Newcastle Staff Association, op. cit., note 1. The Executive's Report makes it clear (page 1) that the Staff Association itself has declined to take any stand or action.

Appendix

M.E. Spautz, Memorandum, 21 May 1980, as reproduced in *Opus 4* (see note 1), p. 4.

Memorandum

To: D.W. George

From: M.E. Spautz, Senior Lecturer

Subject: Forget it!

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 and just plain unethical! There is nothing about my conduct that would warrant voluntary departure, and in fact I contend that failure to act as I've done, and as I shall continue to do, would be grounds for resignation!

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. 1979, which is still in force! Struth!

c)

d) Common law dictates that no person may be deprived of his livelihood without due process, which requires a formal statement of 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!

c.c. Members of Council, Members of the Legal Studies Department, Executive of the Staff Association and Selected Others.